The International University in Latin America

شرح عمدة الفقه

Commentary on 'Umdat al-Fiqh (The Reliable Source of Fiqh)

By

موفق الدين عبد الله بن أحمد بن محمد بن قدامة المقدسي

Muwaffaq-ud-Deen, Abdullah ibn Ahmad ibn Muhammad ibn Qudamah al-Maqdisi

Commentary and translation By

Hatem al-Haj

بسم الله الرحمن الرحيم

Welcome Knowledge Seekers

This was a statement said by the Messenger of Allah (1), may Allah's peace and blessings be upon him, fourteen centuries ago, but, has been inscribed in his heirs` hearts, ever since! With this blessed statement, the Prophet's heirs (i.e. scholars) receive, welcome, make room for and appreciate dedicated educational efforts of knowledge seekers from anywhere in the world.

Sharī`ah sciences, dear students, are the prophetic heritage. Prophets did not bequeath dirhams or dinārs; but, they did bequeath knowledge. Whosever portion learned by people is their share in prophetic heritage. In this sense, seeking knowledge is the highest quest that lives and means are spent on. The longest moment of regret is that in which man does not seek a piece of knowledge or do a good deed.

Taking its first steps to disseminate knowledge on the vast Earth for the sake of Allah and following His Prophet's Sunnah (traditions), the International University in Latin America (IULA) is making Latin America its launching platform. In this way, IULA is breaking new forgotten lands where many Muslims and Muslim institutions never cared to set foot. IULA is, thus, following in the footsteps of the Prophet's Companions who left Madīnah to communicate the Prophetic Message and traditions to people everywhere on earth, preferring to do so than to staying in Madīnah next to the Prophet's holy mosque where Salāhs (prayers) are worth more one thousand times than in any other mosque.

(1) This is a part of a Hadīth compiled by Imām At-Tabarāni in his “Al-Mu`jam Al-Kābir” (8/54) and narrated by Safwān Ibn `Assāl Al-Murādi. In Majma` Az-Zawā`d, Al-Haythamiyy said that the narrators of this Hadīth conform to the characteristics of the narrators of Sahīh [Al-Bukhāriyy] (1/131).

And, a piece of advice to knowledge seekers (students) at the very outset of this endeavor you should intend to only please Allah, Almighty, and never spoil your noble quest with selfish desires. He who learns a divine science for worldly gains will never smell the fragrance of Paradise in the Hereafter! A competent proof is the Hadīth that says: “Verily (the value of) deeds depend on the intentions behind them.”(1).

The primary method of learning Islamic sciences is face-to-face presentation or direct teaching. Over centuries, scholars have learned via this method which should not be avoided as best as possible. It is said that he who makes books his (or her) sheikhs (i.e. teachers) makes more mistakes! Be sure to attend lectures presented by your IULA`s visitor professors and/or technical media that communicate knowledge with voice and/or voice and video and link you to your teachers any and everywhere. Make every effort to learn and pay sincere attention to activities and tests at the end of each learning module. Your IULA wishes you every success. Only Allah's reward is sought, and it is only He Who guides to the right path.

Prof. Dr. Salāh As-Sāwi

IULA Rector

(1) This Hadīth is narrated by both Imāms Al-Bukhāriyy and Muslim from `Umar Ibn Al-Khattāb, May Allah be pleased with him. Imām Al-Bukhāriyy mentions it in his book under the section titled “Revelation”, Hadīth 1, and Imām Muslim does in the section titled “The Prophet's Statement: Deeds Depend on Intention”, Hadīth 1907.

Contents

Introduction

The Introduction to al-'Umdah by Ibn Qudamah

بسم الله الرحمن الرحيم

In the name of Allah, most Beneficent, most Merciful.

الحمد لله أهل الحمد ومستحقه، حمداً يفضل على كل حمد كفضل الله على خلقه، وأشهد أن لا إله إلا الله وحده لا شريك له شهادة قائم لله بحقه، وأشهد أن محمداً عبده ورسوله غير مرتاب في صدقه، صلى الله وسلم عليه وعلى آله وصحبه ما جاء سحاب بوَدْقه، وما رعد بعد برقه.

All types of thanks and praise are due to Allah, the most worthy of thanks and praise, a praise superior to all other types of praise, like the superiority of Allah over all of His creation. I bear witness that nothing deserves to be worshipped / adored except for Allah, He is one without partners, the witness of someone who recognizes and establishes His right. I bear witness that Muhammad is His slave and messenger, without being doubtful about his truthfulness. May Allah bestow blessings on him, his family, and his companions – as long as the clouds bring about rain and the thunder comes after the lightning.

أما بعد، فهذا كتاب في الفقه اختصرته حسب الإمكان، واقتصرت فيه على قول واحد ليكون عمدة لقارئة، فلا يلتبس الصواب عليه باختلاف الوجوه والروايات.

To proceed: This is a book on Jurisprudence. I summarized it as much as possible. I limited myself in it to one opinion, in order that it becomes a reliable source of information, and so that the right opinion is not confused

because of differences in the opinions narrated by the scholars after Imam Ahmad and those narrated from him directly.

سألني بعض إخواني تلخيصه ليقرب عـلى المتعلمـين، ويسـهل حفظـه عـلى الطـالبين، فأجبته إلى ذلك معتمداً على الله سبحانه وتعـالى في إخـلاص القصـد لوجهـه الكـريم، والمعونة على الوصول إلى رضوانه العظيم، وهو حسبنا ونعم الوكيل.

Some of my brothers had asked me to summarize it to make it more accessible to those seeking knowledge, and to make it easy to memorize for the seekers/students of knowledge. Therefore, I answered this request, relying on Allah to make my intention sincere and for His Face, and help me upon reaching His great pleasure. He is sufficient for us and the best disposer of affairs.

وأودعته أحاديث صحيحة تبركاً بها، واعتماداً عليها، وجعلتها من الصـحاح لأسـتغني عن نسبتها إليها.

I included in it authentic narrations for their blessings, and authority. I chose them from the authentic collections in order to not need to reference them.

General Goals for studying the curriculum

The general goals of this course are concentrated in the following points:

Table of Contents

The book is divided into the following lectures:

GENERAL OBJECTIVES

The Attainment of the Pleasure of Allah by seeking the sacred knowledge, which will help us worship Him according to His will.

The study of Fiqh belongs to the category of humanities, and it is a correct categorization, from one angle, since it is a discipline of knowledge that seeks to improve the conditions of humanity. That is a major objective.

From a differnt angle, it differs from humanities, for the source of this knowledge is the Sacred Revelation.

Providing the student with knowledge to enable him in understanding the acts of worship and their correct etiquette.

The study is evidence based with a focus on proofs from the Qur'an and Sunnah. This should raise in the student the high regard for the revelation, which is the soul of this religion.

The Hanbali School of law (madhhab) will be the focal point of the study, with frequent and impartial reference to other schools of Islamic law. This will enable the student to get grounded in one madhhab first, while getting to learn about others, so that s/he may not have excessive zeal for one madhhab or any contempt for any of the accepted madhhabs of Ahl-us-Sunnnah.

Clarifying the wisdom behind the legislation of the various acts of worship and their effects on human spiritual and emotional wellbeing, as well as his/her relationship with the creations of God.

Key to Abbreviations

Ag : agreed upon (reported by both al-Bukhari and Muslim)
B : al-Bukhari
M : Muslim
A : Ahmad
D : Abu Dawood
T : at-Tirmidhi
N : an-Nasa'ee
Ma : Ibn Majah
G : the group, reported by all the above
The Five: reported by (A+D+T+N+Ma)
The Four: reported by (D+T+N+Ma)
The Three: reported by (D+T+N)
H : al-Hakim
Kh : Ibn Khuzaimah
Hib : Ibn Hibbaan
Ba : al-Baihaqi
Tab.K : at-Tabaraani in al-Kabeer
Tab.A : at-Tabaraani in al-Awsat
Tab.S : at-Tabaraani in al-Sagheer
I: Irwa' al-Ghaleel by al-Albani
Auth : Authentic
S : Sound
W : Weak

H :Hanafi; h: the less popular opinion in the madhhab. (+H)= Hanafi position is similar. (-H)= Hanafi position is different.

M :Maliki; m: the less popular opinion in the madhhab. (+M)= Hanafi position is similar. (-M)= Hanafi position is different.

S :Shafe'ee; s: the less popular opinion in the madhhab. (+S)= Hanafi position is similar. (-S)= Hanafi position is different.

A :Hanbali (Ahmad ibn Hanbal); a: the less popular opinion in the madhhab.

H2, M2, S2, A2: another opinion in the madhhab.

T :Ibn Taymeyah's choices.

Z :Zahiris

❁ :Consensus on the last statement or phrase, directly preceding the symbol. (not the whole paragraph). Sometimes, for clarity, I added (---) between the statement upon which there is consensus and the preceding one.

Used for consensus

Used for contemporary issues

Used for the citation of scholarly opinions

Used for the author's choices

Used for the textual evidence

? Used for non-textual evidence (reasoning)

Notes and Acknowledgments
By the Commentator
Notes

- The word "fiqh" literally means "understanding", which would then mean in the context of the religion the good understanding of the entire religion. In the terminology, it is used to refer to the Islamic law. The Islamic law addresses the Divine injunctions pertaining to worship, personal conduct and interpersonal dealings. The jurists study these rulings and the evidence used to derive them. The science of fiqh is thus defined as the recognition of the religious rulings derived from the detailed proofs.
- The proofs are absolute and relative. The absolute ones are the Book of Allah, the Sunnah of His Messenger and the consensus of the ummah. The relative ones include *al-qiyas* (analogy), which could, when clear, come closer to the absolute proofs, and then there are many other sources of proofs with some controversy regarding their strength, applications and scope. These issues are discussed in detail in the books of "*Usool al-Fiqh*" (Principles of Fiqh).
- All actions (not objects) have rulings in Islam, and they belong to one of the following five categories:
    1. Mandatory (wajib)
    2. Preferable (mustahab)
    3. Permissible (mubaah)
    4. Disliked (makrooh)
    5. Forbidden (haraam)

It is the work of the faqeeh (jurist) to deduce from the proofs a ruling for every action. That requires an immense amount of knowledge of the Quran, Sunnah, scholarly opinions, language and many other disciplines.

- There are five major and comprehensive legal principles that serve as the thread connecting the pearls of fiqh and they apply in all of the chapters of fiqh, and these are:
    1. Deeds are but by their intentions

2. Certainty is not negated by doubt
3. Hardship mandates the making of concessions
4. No harm and no reciprocation of harm
5. Customs are given consideration

You will find these principles frequently used throughout the book.

- Fiqh is either studied according to one madhhab (fiqh madhhabi) or according to the various schools of fiqh recognized by the ummah as well as the opinions of independent scholars, and that is called "fiqh muqaran" (comparative fiqh). There are benefits in every method, but most of the scholars recommend for the beginner on the path of the serious seeking of knowledge to start with one madhhab. In this work, we will follow their advice by choosing a classical matn of fiqh madhhabi, which is here Hanbali. We will add a flavor of comparative fiqh in the footnotes to attain some of the benefits of this method as discussed here below.
- The fiqh is usually divided into two large categories: Fiqh of Worship (Fiqh al-'Ebadaat) and Fiqh of Interpersonal Dealings and Personal Conduct (Fiqh al-Mu'amalaat wa al-Adaab ash-Shar'eyah). Fiqh al-'Ebadaat includes the chapters of Purification, Prayers, Funerals, Zakaat, Fasting and Pilgrimage. In this first part, we will have Purification, Prayers and Funerals.
- The book of al-'Umdah is an abbreviated book of Fiqh according to the Hanbali school of Fiqh (madhhab). The abbreviated books used to be called "*matn*" (text). Then, commentaries (*shurooh*, pl. of *sharh*) and footnotes and side notes would be added (*hawashi*, pl. of *hasheyah*). The *mutoon* (pl. of *matn*) were meant to be decisive and easy to memorize by the students of knowledge. They served as a code.
- Al-'Umdah is highly regarded within the Hanbali madhhab and it is written by one of the greatest scholars within the madhhab as well as in the history of Islam, which is Imam Ibn Qudamah al-Maqdisi (may Allah bestow mercy on him) who died in the year 620 A.H.
- The reason why I chose to write a brief commentary on the book vs. translating one of the older and certainly more credible commentaries

(shurooh) written by our greater scholars of the past is to place more emphasis on the issues that face the contemporary Muslims more frequently. In addition, Muslims who live in English speaking countries may have different needs that I meant to address. I also added some views from outside of the madhhab when indicated. This is particularly important knowing that many of the contemporary students may only study one book.

- Quoting opinions that are contrary to those of the author's should not be perceived as a form of disrespect for the author, who was one of the greatest in the history of Islam, to the point that Imam Ibn Taymiyah said that no one has entered *ash-Sham* after al-Awza'ey that is more knowledgeable than al-Muwaffaq (Ibn Qudamah). The scholars of the past and present differed and will continue to differ in the future *in-sha'-Allah*. The opinions that I present here are for notable scholars as well, and the truth is not confined within one *madhhab* or one scholar's positions. That does not mean that what I consider strong is in fact stronger, for I am in no position to say that. I have, therefore, chosen to avoid the use of words such as stronger or weaker, and when I believe in the strength of a particular position, I simply call it strong. It is the reader's responsibility to seek what s/he feels is more consistent with the proof.

- Some of the other benefits of mentioning opinions from within and without the madhhab of the author include getting us used to the disagreements between the jurists and learning why they differed. This will make us have more respect for all of them, and appreciation for their ijtihaad (expert reasoning). In addition, it would help us recognize other strong and popular opinions that are different from the author's. This may have various benefits and may spare us from uneducated and often futile debates.

- It would be a valid question to say, if you will not abide by the opinions of al-'Umdah, why call the book an exegesis of the 'Umdah, and why not gather opinions from different books and give the new book a different name? The reply to this is that the student of knowledge should attempt to memorize (or come close) the text of one single classical book like al-'Umdah written by one of Islam's greatest scholars of all times, like Ibn

Qudamah. Then, the student of knowledge may broaden his horizons by learning about the various opinions of the other equally great scholars of Islam. This method would protect him from confusion, and unless the truth is clearly obvious to him to be with another scholar, he should abide by the opinion of the *madhhab* he chose to study. I hope that having the text of al-'Umdah in bigger font, on the top of the page, and separate from the commentary will help the student make a visual distinction in his memory between the text and the commentary.

- It is also noteworthy to mention here that I tried to avoid adding anything to the text (*matn*) except when I felt necessary or helpful to add some titles or explanations. You will find those additions clearly demarcated by being inside the cornered brackets [ ].

- H, M, S, A are used to refer to the different madhhabs in the footnotes. They do not mean that it is the only opinion within the madhhab, nor do they always mean it is the opinion of the founder. For sometimes another opinion contrary to the founder's becomes the more popular. That is because our great jurists, particularly the earlier ones were seekers of the truth, not zealots.

- The use of "should" before a recommendation does not necessarily mean it is obligatory, for it may be preferable or mandatory, likewise, the use of "should not" does not mean it is forbidden, for it may be disliked or forbidden. When "must" and "must not" are used, it means an obligation or prohibition respectively.

- Black boxes in the footnotes surround matters of consensus and un-shaded boxes will surround matters of contemporary implementations.

Acknowledgements

- I used the website resources for looking up textual evidence, verifying authenticity of reports and obtaining translations of different verses of the Quran and ahadeeth, as well as some quotations of the earlier and latter scholars. Of the sites I benefited from:

  www.searchtruth.com
  www.usc.edu
  www.islam-qa.com
  www.dorar.net
  www.al-islam.com
  www.islamtoday.net

- I also benefited from Jamal Zarabozo's translation of *Fiqh-us-Sunnah*, the blessed book by the late scholar Sayed Sabiq (may Allah bestow mercy on him) which is made available at www.usc.edu. I made some modifications to the translation when I felt necessary. I also benefited from the translation of "'Umdat as-Salik" named "Reliance of the Traveler" by Nuh Ha Mim Keller.

- Finally, I would like to thank all of the staff members of the Sharia Academy of America (SAA), who were instrumental in encouraging me to finish the second part of this work for the benefit of their students.

- May Allah greatly reward all of those who diligently, relentlessly and tirelessly work for the cause of this beautiful religion and may He pardon them, forgive their shortcomings and faults and may He be pleased with them.

كتاب الزكاة

The Book of Zakat[1]

وهي واجبة على كل مسلم حر ملك نصابًا ملكًا تامًا،

Zakat is obligatory upon every free Muslim[2] who has complete ownership[3] of the *nisaab* (Zakat threshold[4]). ۞

ولا زكاة في مال حتى يحول عليه الحول إلا في الخارج من الأرض، ونماء النصـاب مـن النتاج والربح فإن حولهما حول أصلهما،

[When is the passing of a (*hawl*) not a condition of obligation?]

(1) Meaning and Wisdom of Zakat
There is no one comprehensive word alone that adequately translates Zakat. The words alms, donations, charity and so on do not convey the meanings embodied in the word Zakat, which include:
- Purification, for it purifies one's money from suspicious earnings and it purifies one's heart from stinginess and miserliness
- Increase, for it increases the wealth of the recipient as well as that of the donor by the blessings that will be put in his money, himself and his family and also, through the supplications of the recipient
- Praise, for it will be a cause for the donor being praised on the Day of Judgment, also, s/he will be praised by the recipients, who would otherwise have been envious and hateful of the wealthy who withhold their money and share no part of it.

(2) State/Public/Endowment Funds
OIC-Fiqh Assembly 28 (3/4): Zakat is not obligatory on public money, so states do not need to pay Zakat. Also, endowments for Allah’s cause are not zakatable. Likewise, the money owned by non-profit charitable organizations.

(3) Incomplete Ownership and Retirement Plans
If one owns money, yet his ownership is not complete, he will not pay Zakat on it.
- Ex. The money in the retirement plans: he will only need to pay Zakat on the portion he can claim on the day of giving the Zakat, and then he will calculate the zakatable amount of that portion.
- (See the Zakat on Shares and Mutual Funds in the Chapter of Zakat on Merchandise.)

(4) For each type of wealth, there is a minimum below which one does not need to pay Zakat ۞ (details will come soon). This may be translated as Zakatable minimum, or Zakat threshold.

There is no Zakat on property until an entire *hawl* (Islamic/lunar year) has passed, except for that which comes from the land,[1] and the growth emanating from capital through profit or birth. The *hawl* (lunar year) of these is that of their origin[2].

ولا تجب الزكاة إلا في أربعة أنواع: السائمة من بهيمة الأنعـام، والخـارج مـن الأرض، والأثمان، وعروض التجارة.

Zakat is only obligatory on four types [of property][3]:

---

(1) This category includes crops, mined metals and treasure troves. ❁

(2) How to calculate Zakat on money earned during the year?

- If someone had thirty cows at the beginning of the year and they gave birth to ten, he will pay the Zakat on the forty. ❁ Thus, he paid Zakat on the ten before he had them for a year, since they emanated from the thirty, so their *hawl* began with that of the thirty.
- The same applies to profit on money invested. ❁
- If the money has been earned during the year, but not as a profit from the original capital, such as when one is paid for a job, then he may start a *hawl* for this increment of money. (+S-H).
  - (H) :if he has money of the same kind (i.e. cash and cash or cows and cows), he should add the increments to the total, and must pay Zakat on all at the end of the *hawl*.
  - (M) agreed with (H) on the free grazing livestock and with (S&A) on the rest.
  - ⚖ The position of (H) is easier to follow, since that of the majority will lead to having many due dates for Zakat during the lunar calendar year.
  - The passing of the hawl is a condition of obligation for Zakat on livestock, gold and silver, and merchandise. ❁
  - If the money emanated from assets he had, its hawl is that of the original ❁.
  - If it is of a different kind (had cows and earned cash), it will not be zakatable until a hawl passes from its acquisition❁.
  - If it is of the same kind, but did not emanate from the original, then they disagreed; as above.

(3) Not Zakatable

- (H) and a few others consider horses zakatable. The vast majority disagreed with this, and the proof is on their side.
- If it is not gold, silver, camels, cows, buffalos, sheep, earth's produce, merchandise, (honey, slaves or horses), it is not zakatable. ❁. What is between ( ) is a minority position.

[1] free-grazing[1], domesticated livestock;

[2] what is produced or extracted from the land;

[3] silver and gold;

[4] and merchandise prepared for sale.

ولا زكاة في شئ من ذلك حتى يبلغ نصاباً،

There is no Zakat on any of that until it reaches the nisaab (Zakat threshold).

وتجب فيما زاد على النصاب بحسابه إلا السائمة فلا شيء في أوقاصها.

Zakat is obligatory on anything that exceeds the *nisaab* (Zakat threshold), according to its full amount. This is so except for free-grazing, and domesticated livestock for which there is nothing obligatory on that which falls between two brackets[2].

🗐 One's residence, shop, car, furniture, computer, equipment (not for sale) are not zakatable. ❁

(1) Grazing on public pasturage. (-H: zakatable, whether or not it feeds off of public pasturage).

🗐 Zakat is due on the free-grazing camels, cows and sheep. ❁

🗐 Buffalos are like cows. ❁

(2) For example, for thirty cows the Zakat due is a single one-year-old male calf. For forty cows, one must give a two-year-old female calf. If one has 35 cows, he will only give like the one who has 30.

باب زكاة السائمة

The Chapter of Zakat on Free-grazing Livestock (Sa'imah).

وهي الراعية وهي ثلاثة أنواع:

And that is the [free-grazing, domesticated livestock], which is taken to pasture and it is of three kinds:

أحدها الإبل: ولا شئ فيها حتى تبلغ خمساً فيجب فيها شاة،

<u>The first kind is: camels</u>

There is no Zakat on them until they reach five [in number]۞, for which it is obligatory [to pay] one sheep۞;

وفي العشر شاتان، وفي خمس عشرة ثلاث شياه،

Then, for ten camels, two sheep; for fifteen camels, three sheep۞;

وفي العشرين أربع شياه، إلى خمس وعشرين وفيها بنت مخاض وهي بنت سنة، فإن لم تكن عنده فابن لبون وهو ابن سنتين،

and for twenty camels, four sheep۞; until [they number] twenty-five. After that, [the Zakat] on them would be a bint makhad(1), which is a one-year-old female camel, ۞ but if he does not have one, [he may substitute] an ibn laboon(2), which is a two-year-old male camel;

إلى ست وثلاثين فيجب فيها بنت لبون، إلى ست وأربعين فيجب فيها حقة لها ثلاث سنين،

(1) Bint makhad, literally means her mother is pregnant, so she would be one year old.
(2) Ibn laboon, literally means his mother is breast feeding, so he would be two years old.

until thirty-six, then [the Zakat] obligatory on them would be a bint laboon❁ (a two-year-old female camel); until forty-six, and [the Zakat] obligatory on them would be a hiqqah(1),❁ which is a three-year-old female camel;

إلى إحدى وستين فيجب فيها جذعة لها أربع سنين، إلى ست وسبعين ففيها ابنتا لبون،

until sixty-one, then [the Zakat] obligatory on them would be a jadha`ah, ❁ which is a four-year-old female camel; until seventy-six, and [the Zakat] on them would be two bint laboon, ❁ (two-year-old female camels);

إلى إحدى وتسعين ففيها حقتان إلى عشرين ومائة، فإذا زادت واحدة ففيها ثلاث بنات لبون،

Then, from ninety-one camels, [the Zakat] on them is two hiqqah (three-year-old female camels), up until [they number] one hundred and twenty camels; then, if they increase by just one camel, [the Zakat] on them would be three bint laboon, (two-year-old female camels); ❁

ثم في كل خمسين حقة، وفي كل أربعين بنت لبون،

Then, for every fifty [camels], a hiqqah [must be paid]; and for every forty, a bint laboon [must be paid];

إلى مائتين فيجتمع فيها الفرضان: فإن شاء أخرج أربع حقات وإن شاء خمس بنات لبون.

until [they number] two hundred, which combines two options: he may either pay four hiqqah, (three-year-old female camels), or five bint laboon, (two-year-old female camels).

(1) Called hiqqah because it is ready to be ridden.

ومن وجبت عليه سن فلم يجدها أخرج أدنى منها ومعها شاتان أو عشرون درهماً، وإن شاء أخرج أعلى منها وأخذ شاتين أو عشرين درهماً.

Whoever owes [a camel of] a certain age but cannot find it, should pay one [age level] less than it, plus two sheep or twenty dirhams; or if he prefers, he may pay one [age level] higher than it, and take two sheep or twenty dirhams.

النوع الثاني البقر: ولا شئ فيها حتى تبلغ ثلاثين فيجب فيها تبيع أو تبيعة لهـا سـنة، إلى أربعين ففيها مسنة لها سنتان، إلى ستين ففيها تبيعان، إلى سبعين ففيها تبيع ومسنة، ثم في كل ثلاثين تبيع وفي كل أربعين مسنة.

The second kind is: cows

There is no [Zakat] on them until they reach thirty [in number], then [the Zakat] that is obligatory on them is a tabi` or tabi`ah, which is a one-year-old male or female cow; until forty, for which [the Zakat] on them would be a musinnah, which is a two-year-old female cow; until sixty, for which [the Zakat] on them would be two tabi`, (one-year-old cows); until seventy, for which [the Zakat] would be a tabi` (one-year-old cow) and a musinnah (a two-year-old female cow); then for every thirty [cows], a tabi` (a one-year-old cow), and for every forty [cows], a musinnah (a two–year-old female cow).

النوع الثالث الغنم: ولا شئ فيها حتى تبلغ أربعين ففيها شاة إلى عشريـن ومائـة، فـإذا زادت واحدة ففيها شاتان إلى مئتين، فإذا زادت واحدة ففيها ثـلاث شـياه، ثـم في كـل مائة شاة.

The third kind is: sheep

There is no obligation on them until they reach forty [in number] ❁; then [the Zakat] on them is one sheep until [they number] a hundred and twenty; then, if [their number] increases by one, [the Zakat] on them is two sheep until [they number] two hundred. Then, if [their number] increases by

one, [the Zakat] on them would be three sheep. Then, [the Zakat] for every hundred is one sheep.

ولا يؤخذ في الصدقة تيس ولا ذات عوار ولا هرمة ولا الربى ولا الماخض ولا الأكولة. ولا يؤخذ شرار المال ولا كرائمه إلا أن يتبرع به أرباب المال.

A male goat may not be taken as Zakat; nor a one-eyed animal; or a very old one; or a mother that has just given birth and is nursing her offspring; or an animal about to give birth; nor a fatted beast that has been singled out to be slaughtered.

Neither the worst nor the best kind is to be taken as Zakat, except when the owners of the property donate it.

[What he may give of his flock:]

ولا يخرج إلا أنثى صحيحة إلا في الثلاثين من البقر وابن لبون مكان بنت مخاض إذا عدمها إلا أن تكون ماشية كلها ذكور أو مراض فيجزئ واحد منها، ولا يخرج إلا جذعة من الضأن أو ثنية من المعز، والسن المنصوص عليها، إلا أن يختار رب المال إخراج سن أعلى من الواجب، أو تكون كلها صغاراً فيخرج صغيرة، وإن كان فيها صحاح ومراض وذكور وإناث وصغار وكبار أخرج صحيحة كبيرة قيمتها على قيمة المالين،

He must only give [as Zakat] healthy, female animals, except for the thirty cows and the two-year-old male camel (ibn laboon) instead of the one-year–old female camel (bint makhad) if he cannot find one. However, if all his sheep are male or sick, it would be acceptable [to pay] just one of them. He is only obliged to pay a six-month-old (jadha`ah) from the sheep, or a one-year-old female (thaniah) from the goats, and the recommended age level [of other kinds], except if the owner of the property chooses to pay an age level that is higher than what is obligatory. If they are all young, it is permissible to pay one that is young, and if they are a mixture of healthy and sick, male and female, and young and old, he must pay a healthy, mature female; its value should be an average of the whole.

فإن كان فيها بخاتي وعراب وبقر وجواميس ومعز وضأن وكرام ولئام وسمان ومهازيل أخذ من أحدهما بقدر قيمة المالين،

If it is a mixture of foreign and Arab animals, cows and buffalos, goats and sheep, good and bad, fat and thin, he should pay one of them that is the value of the average.

[Joint Ownership]

وإن اختلط جماعة في نصاب من السائمة حولاً كاملاً وكان مرعاها وفحلها ومبيتها ومحلبها ومشربها واحداً فحكم زكاتها حكم زكاة الواحد. وإذا أخرج الفرض من مال أحدهم رجع على خلطائه بحصصهم منه، ولا تؤثر الخلطة إلا في السائمة.

If a group of people share [joint ownership of] the same *nisaab* (Zakat threshold) of free-grazing, domesticated livestock for an entire Islamic (lunar) year (hawl), and their fields for pasture, studs, barns, milk-houses, and water holes are the same, then the decision of their Zakat is as if they were one man. If one of them pays the obligation from his property, the others should reimburse him according to their share, and joint property has no effect except on free-grazing, domesticated livestock. (1)

(1) Joint Ownership
- (A): Joint ownership only affects the Zakat of livestock.
- (S&a): it also affects the Zakat of merchandise and crops.
  - So, corporations of any sort will be treated like one entity.
- (H): it does not affect the Zakat of anything.

باب زكاة الخارج من الأرض

The Chapter of Zakat of That Which Comes Out of the Earth

[Types of What Comes out of the Earth]

و هو نوعان:

أحدهما النبات :فتجب الزكاة منه في كل حب وثمر يكال ويدخر إذا خرج من أرضه وبلغ خمسة أوسق، لقول رسول الله ﷺ: **«ليس في حب ولا ثمر**(١) **صدقة حتى يبلغ خمسة أوسق»**.

The category: "what comes out of the earth" is of two types:

The first of the two is plants:

Zakat is obligatory on plants, for all grain and fruit that can be measured and stored(2), if it is produced from the land, and reaches five *awsuq* [in measure].

(١) (تمر) في كل الروايات الصحيحة ما عدا مصنف عبد الرزاق.

(2) Which plants are zakatable?

- Wheat, barley, corn, dates, and (raisins-with few objections) are zakatable plants. ❁

  As for other plants,
  - (<u>A</u>): the five + all plants that are measured (not weighed or sold by count) and stored. These include beans, lentils, caraway seeds, safflower, sesame seeds, hazelnuts and almonds among others, but would exclude fresh non-storable fruits and vegetables such as apples, pears, peaches, eggplants, turnips, and carrots among others. (+M+S, with some differences on the details)
  - (<u>H</u>): all fruits and vegetables planted by humans are zakatable.
    - The position of (H) is supported by the general statement of the Prophet ﷺ:

«فيما سَقَت السَّماء العُشْر».

"From what the heavens irrigate, a tenth [is due]."

- And the position of the majority is supported by the following report:

This is based on the narration of the Prophet ﷺ "There is no sadaqah [meaning obligatory Zakat in this context] on grain or fruit(1), until it reaches five *awsuq*."(2)

والوسق ستون صاعاً والصاع رطل بالدمشقي وأوقية وخمسة أسباع أوقية، فجميع النصاب ما قارب ثلاثمائة واثنين وأربعين رطلاً وستة أسباع رطل

One *wasaq* is equal to sixty sa`, which in turn equals one damascene pound, one and five-sevenths of an ounce, so the total amount of the *nisaab* equals approximately three hundred and forty-two and six-sevenths of a (damascene) pound. 3

ويجب العشر فيما سقي من السماء والسيوح، ونصف العشر فيما سقي بكلفة كالدوالي والنواضح

عن أبي موسى ومعاذ بن جبل حين بَعَثهُما رسول الله ﷺ إلى اليَمَن يُعلِّمان النَّاس أمْر دِينِهم قال لهم: «**لا تأخُذُوا الصَّدَقَة إلا مِن هَذِه الأرْبَعَة: الشَّعِير والحِنْطَة والزَّبيب والتَّمر**».

Abu Burdah related from Abu Musa and Mu'azh that when the Messenger of Allah ﷺ sent them to Yemen, he commanded them to take *sadaqah* [Zakat] only on wheat, barley, dates, and raisins. This hadeeth is related by ad-Daraqutni, al-Hakim, at-Tabarani, and al-Baihaqi and authenticated by Ibn al-Mulaqqen and al-Albani.

📖 There are also other reports from the Companions with the same meaning, and they did not levy Zakat on fruit and vegetables. (M) upholds this position because it was the practice of the people of Madeenah.

- Part of the reason why these plants (perishable fruit and vegetables) were exempted, is the cost of their planting and the fact that they cannot be stored and must be consumed quickly, which makes their growing burdensome.

⚖ The evidence seems to be on the side of the majority. The Hanafi evidence is general, and that of the majority is more specific.

(1) "Dates" is the correct word in all narrations except that of `Abd ar-Razzaq.
(2) (Ag)
(3) One *wasaq* equals 130.6 kg or 290.22 lbs. in modern measurements. This amount must be present after the plants have been threshed and have no husks or chaff.

The Zakat that must be paid is ten percent [of the entire crop] for what has been watered by rain or water sources [that flow to the land without effort], and five percent for that which was irrigated with effort, such as: bringing water by irrigation equipment, or on the backs of camels [or any other beast of burden].(1) ۞

[When does Zakat become due?]

و إذا بدا الصلاح في الثمار واشتد الحب وجبت الزكاة

When the fruit appears ripe(2) and the grain has matured (firm), Zakat becomes obligatory.(3)

ولا يخرج الحب إلا مصفى ولا الثمر إلا يابسًا

One does not set the grain aside [as payment], until it has been threshed, and likewise, the fruit until it has been dried(4).

ولا زكاة فيما يكتسبه من مباح الحب والثمر، ولا في اللقاط، ولا ما يأخذه أجرة لحصاده

There is no Zakat on what he collects of the mubaah (for-public-use) grains or fruits that grow in the wild [without cultivation](1), items that have been found or picked up(2), or what one takes as a wage for harvesting.

(1) Al-Bukhari reported from the Prophet ﷺ:

«فيما سَقَت السَّماء والعُيُون أو كان عَثْريا العُشْر، وما سُقِي بالنَّضْح نِصْف العُشْر»

"In that which is irrigated by rain, or through the roots, a tenth [10%] is due; and in that which is irrigated by sprinkling [equipment and/or beasts of burden] a half tenth [5%] is due."

(2) This depends on the type of fruit, so in some, the color is the distinguishing factor, while in others, it is the taste.

(3) That means if the crops are destroyed for any reason before they are ripe and mature, Zakat is not obligatory. The same applies if he sold the land with the crops before that time; the Zakat will not be due on the seller.

(4) If the dates or grapes will be eaten before being dried, he will give their Zakat from them, and it was said that he should give raisins, not grapes, but the first opinion is stronger.

[How to Handle Multiple Grains and Fruits]

ولا يضم صنف من الحب والثمر إلى غيره في تكميل النصاب.

One kind of grain or fruit does not have to be added to another to complete a *nisaab* (Zakat threshold) ۞.

فإن كان صِنفاً واحداً مختلف الأنواع كالتمور ففيها الزكاة.

However, if there is one kind that has different varieties, like various sorts of dates, there would be Zakat on it [if all the varieties of one kind measure five *awsuq* together]. ۞

ويخرج من كل نوع زكاته وإن أخرج جيدًا عن الرديء جاز وله أجره.

One must pay Zakat from every kind. If one pays a good kind as Zakat for a bad kind, it would be permissible [but not vice versa] and one would deserve a reward [from Allah the Almighty]. ۞

[The Second Type: Metals]

النوع الثاني المعدن :فمن استخرج من معدن نصاباً من الذهب أو الفضة أو ما قيمته نصاب من الجواهر أو الكحل والصفر والحديد أو غيره فعليه الزكاة .

The second type is metal: whoever extracts a *nisaab* (Zakat threshold) of metal — of gold or silver — or a value equal to this *nisaab*(3), in precious stones, kohl, copper, iron…etc, Zakat must be paid for it4.

(1) Even if they grow on his land without being planted.
(2) Even if he picked up what is equal to the *nisaab*.
(3) If the value of extracted metals equals the value of the *nisaab* of silver or gold.
(4) Which metals are zakatable?
- (A): all substances extracted from the earth that are not from its own substance are zakatable, including liquids like oil.
- (M&S): only gold and silver.
- (H): and impressionable metals such as copper, lead, and iron.
- Zakat is due on gold and silver extracted from the ground. ۞

ولا يخرج إلا بعد السبك والتصفية.

[Its Zakat] is not to be paid, until after it has been cast and refined.[1]

ولا شيء في اللؤلؤ والمرجان والعنبر والمسك، ولا شيء في صيد البر والبحر.

There is no Zakat on pearls, coral, amber, or musk, nor on what is hunted on the land or fished from the sea. ۞

وفي الركاز الخمس أي نوع كان من المال قل أو كثر.

The Zakat on *rikaaz* (buried treasure from the time of *Jahiliyya* [Pre-Islamic Period of Ignorance][2] is one-fifth [of what is found], ۞ regardless of what kind of property it is, whether it is a small or large amount.[3]

ومصرفه مصرف الفيء وباقيه لواجده.

Its recipients are the same as the recipients of the fai` (war booty gained without fighting)[1] and the rest belongs to the one who finds it[2].

---

(1) When is Zakat due on metals extracted and how much?
- (A) He does not wait for the passing of one lunar year, but gives the Zakat after it is extracted and cast. The amount to be given is 2.5% like the Zakat of gold and silver.
- (H): to be treated like *rikaaz*. Which means 20% not 2.5%.

(2) That is because
- the Messenger of Allah ﷺ said to a man who found treasure in a piece of deserted land:

«إن وَجَدته في قَرْيَة مَسْكونة فَعَرِّفْه، وإن وَجَدته في قرية غَير مسكونة ففيه وفي الرِّكاز الخُمُس»

“If you find it in an inhabited village, announce [that you found it] and if you find it in a deserted village, then one fifth is due on it and in [any] *rikaaz*.” Reported by (H&Ba), and graded (hassan) sound by Ibn Hajar in Buloogh al-Maraam.
- Thus, if the treasure is from the pre-Islamic era with signs indicating that, and you find it in a deserted place, you may take it after paying one fifth in charity, as mentioned below.
- If the treasure is from the Islamic period, then it must be announced that you found it by advertising at the doors of mosques and in the markets or any modern way to advertise items that have been lost and found.

(3) There is no *nisaab* required. One fifth is paid upon finding the buried treasure, and the rest goes to the finder.

باب زكاة الأثمان

The Chapter of Zakat of Currency

وهي نوعان :ذهب وفضة، ولا زكاة في الفضة حتى تبلغ مائتي درهم فيجب فيها خمسة دراهم، ولا في الذهب حتى يبلغ عشرين مثقالا فيجب فيها نصف مثقال .

There are two kinds of currency[3]: gold and silver. There is no Zakat on silver until it reaches two hundred dirhams [approx. 595 gm of pure silver], and its Zakat is five dirhams [i.e. 2.5%], and there is no Zakat on gold until it reaches twenty mithqal [approx. 85 gm of pure gold], and its Zakat is half a mithqal [i.e. 2.5%].[4] ❁

فإن كان فيهما غش فلا زكاة فيهما حتى يبلغ قدر الذهب والفضة نصابًا، فإن شك في ذلك خير بين الإخراج وبين سبكهما ليعلم قدر ذلك،

If the silver or gold is impure, there is no Zakat on either, until the pure amount of gold or silver weighs a *nisaab* (Zakat threshold) ❁, and if there is any doubt about its purity, there are two options to choose from: whether to pay the Zakat [on the amount as it is], or to purify it by casting it first so as to know its real amount.

---

(1) Allah the Almighty says:

"مَّا أَفَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَى فَلِلَّهِ وَلِلرَّسُولِ وَلِذِي الْقُرْبَى وَالْيَتَامَى وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ"

"What Allah gave as booty (Fai') to His Messenger from the people of the townships, it is for Allah, His Messenger, the kindred (of Messenger), the orphans, Al Masakeen (the poor), and the wayfarer." (Al-Hashr- 59:7)

(A2): the recipients are the same recipients of Zakat.

(2) Unless he finds it on land that is owned by someone and the owner claims ownership of the treasure.

(3) Cash is substitute

Cash takes the same ruling as gold and silver here and in the chapter of usury, since cash is used by people nowadays as currency, and it was instituted in replacement of gold and silver, even if it is not tied to gold reserve anymore.

(4) Should he add the gold and silver together if he has less than the *nisaab* in each? There are two reports in the Hanbali school of thought. (T) supports adding them. (-S)

[Zakat of permissible jewelry]

ولا زكاة في الحلي المباح المعد للاستعمال والعارية.

There is no Zakat on permissible jewelry, prepared for personal use or for lending.[1]

ويباح للنساء كل ما جرت العادة بلبسه من الذهب والفضة، ويباح للرجال من الفضة الخاتم وحلية السيف والمنطقة ونحوها، فأما المعد للكـراء أو الادخـار، والمحـرم ففيـه الزكاة.

All kinds of gold and silver that are customarily worn by women are permissible for them, and only silver is permissible for men such as: rings, ornamentation of swords, belts, and so on.

There is Zakat on what [gold and silver] is prepared for renting, savings, as well as the prohibited kinds[2].۞

---

1 **Jewelry**
This is a controversial issue with reports almost equally strong on both sides.
▤The other opinion is that Zakat is mandatory on such jewelry and that is the position of (H+Z)
If a woman buys a large amount of gold, with the intention of saving it, and she wears it infrequently, then, it is closer to piety for her to pay Zakat on that gold.

2 That is like gold or silver utensils or gold jewelry for men.

باب حكم الدين

Chapter of the Ruling on Zakat of Debt

[Rulings of Zakat on Debts That Pertain to Creditors]

من كان له دين على مليء أو مال يمكن خلاصه كالمجحود الذي له به بينة، والمغصوب الذي يتمكن من أخذه، فعليه زكاته إذا قبضه لما مضى.

Whoever is owed a debt by a solvent debtor [someone capable of paying], or has money he is capable of collecting, like if someone denies having borrowed it, but he has proof, or someone who has had something taken by force yet he is capable of taking it back, he must pay Zakat for it when he finally takes possession of it. He should do so for all the years that have passed.[1]

وإن كان متعذراً كالدين على مفلس أو على جاحد ولا بينة به، والمغصوب والضال الذي لا يرجى وجوده فلا زكاة فيه.

If someone owns money that is impossible to retrieve, because for instance, [the debtor] has gone bankrupt or denies the debt and there is no proof of it, or someone has had something taken from him by force, or has lost something and there is no hope of finding it, there is no Zakat due on it. ❁

1 Zakat on money you lent

- In a different opinion by (a) and 'Ikrimah, he does not have to pay Zakat on this money until he gets it back and one full lunar year has passed. This is because he does not have complete ownership of the money and he cannot invest or spend it, thus, it is prone to growth. The strength of this position is obvious.
- (a), Sa'eed ibn al-Musayyab and 'Ata' said: He should pay the Zakat for one year when the money returns to him.

Note that there are three different reports from Ahmad in this regard, but the one that is mentioned in al-'Umdah is the formal position of the madhhab.

وحكم الصداق حكم الدين.

<u>The ruling of the sadaq (dowry)</u>[1] is the same as that of debt.[2]

[Rulings of Zakat on Debts That Pertain to Debtors]

ومن كان عليه دين يستغرق النصاب الذي معه أو ينقصه فلا زكاة فيه.

Whoever has a debt equal to [or greater than] the *nisaab* he owns, or it [the debt] makes it [the money he owns] less [than the *nisaab*], there is no Zakat on it [the money he possesses].[3]

---

1 That is the obligatory bridal-money given by the husband to his wife at the time of marriage.

2 Zakat on Dowry

Dowry is either: Deferred, Paid, or Due, but not paid yet.

1. Concerning the deferred amount of the dowry, Imam Ibn Taymiyah (may Allah have mercy on him) was asked about the dowry of a woman who had been married for many years but she was not able to ask her husband for it lest they separate, then she was compensated for her dowry with some real estate or by being given the dowry after many years - does she have to pay Zakat for the past years or after one year passed since she took possession of the dowry?
   He replied: "Praise be to Allah, there are many opinions concerning this matter among the scholars. The most correct opinion is the view of those who say that no Zakat is due at all until one year has passed, or Zakat is due once when she takes possession of it. There is evidence for both views. The former is the view of Abu Haneefah and the latter is the view of Maalik, and both are mentioned in the madhhab of Ahmad. And Allah knows best."
   The opinion of Abu Haneefah is applicable to our times since it is the custom of most people that women do not ask for the deferred part of the dowry except when separating from the husband or upon his death.
2. The dowry she collected: she will pay the Zakat on it, even before the consummation of marriage.
3. The part that she has not yet collected, she will treat it like a debt. (see above for the rulings on debts)

3 Zakat on money you borrowed

After discussing the rulings of debts that pertain to creditors, he (may Allah have mercy on him) mentioned the rulings that pertain to the debtor. The debtor will simply subtract the debt he owes others from his assets and if he still has more than the *nisaab*, he will pay Zakat on the (assets – debts). However, if he will not have the *nisaab* after the subtraction of the debt, he will not have to pay Zakat.

Debts are subtracted from non-manifest money. ✿ Manifest: is exposed to the public like livestock and crops.

باب زكاة العروض

Chapter of Zakat of Merchandise

ولا زكاة فيها حتى ينوي بها التجارة وهي نصاب حولاً، ثم يقومها، فإذا بلغت أقل نصاب من الذهب والفضة أخرج الزكاة من قيمتها

There is no Zakat on merchandise until the person intends to trade with it, and it [has been at] the *nisaab* (Zakat threshold) for an entire year (hawl)[1]. Then he should assess it[2], and if it has reached [an amount equal to] whichever *nisaab* of gold or silver is less [at that time], he must pay Zakat on its [full] value[3].

As for manifest money, there is a disagreement. (A): Debts should still be subtracted.

Debts incurred to purchase property that is existing, such as home mortgages and debts incurred to buy factory equipment, will not be totally subtracted as long as the property covers the debt. In this case, the part to be subtracted from the assets is the installment due during the current year. (This is the recommendation of the First Zakat Convention)

1 What is a Hawl?

The (hawl) for the payment of Zakat is a lunar year and the Zakat must be paid at the end of it.

Paying every solar year is not acceptable. We must familiarize ourselves with the lunar year since all our acts of worship are based on it. Those who are completely unable to do an inventory on their stores every lunar year, but do that every solar year, may correct the amount given in Zakat for the difference between the two years and pay 3.1 % more than what they would have paid at the end of the lunar year. Or they can pay 2.577% instead of 2.5%.

2 The calculation will be based on the wholesale, not the retail price.

3 The Zakat is usually given out of the same type of money on which it is due, but here it is paid in currency, not merchandise. This is so for the benefit of the poor who may not know what to do with the merchandise. Some scholars argue that if the interest of the poor was in receiving the merchandise, it may be given to them.

The Zakat on stocks and shares:

If s/he trades in them (like the day traders), s/he shall treat them like merchandise.

If s/he invests in them long-term, s/he will need to pay Zakat on the zakatable portion of their assets. For instance, shares in companies that own retail stores will be mostly zakatable, whereas companies that mainly invest in manufacturing will have a small portion of their assets that is zakatable. The individual may review the annual reports to determine what is zakatable,

[Currency and merchandise are one type]

وإن كان عنده ذهب أو فضة ضمها إلى قيمة العروض في تكميل النصاب.

If the person [also] owns gold or silver, he must add it to the value of his merchandise [prepared for trading], to complete the *nisaab* (Zakat threshold).

وإذا نوى بعروض التجارة القنية فلا زكاة فيها، ثم إن نوى بها بعد ذلك التجارة استأنف لها حولاً.

If a person intends that this merchandise is to be private property (for personal use), there would be no Zakat on it. If, after that, he intends to prepare it [again] for trade, he should begin [counting] a new hawl (Islamic lunar year) for it.

and if that was impossible, s/he should ask the experts about his particular company or mutual fund for an approximate estimate.
This position is in agreement with the OIC-Fiqh Assembly resolutions: 28 (3/4) & 121 (3/13).

باب زكاة الفطر

Chapter of Zakat Al-Fitr

وهي واجبة على كل مسلم إذا ملك فضلاً عن قوته وقوت عياله ليلة العيد ويومه.

Zakat al-Fitr is obligatory on every Muslim❁, if he owns more than the essential food he needs for himself and his dependants[1] for the night and the day of the Eid [feast].

وقدر الفطرة صاع من البر أو الشعير أو دقيقهما أو سويقهما أو من التمر أو الزبيب، فإن لم يجده أخرج من قوته أي شئ كان صاعًا،

The amount of Zakat al-Fitr, is one saa` of [whole] wheat or barley, or the flour. ❁ It can also be paid in crushed form, or in dates or raisins, ❁ but if he cannot find this, he should give any kind of food that he eats that would [measure] one saa`.[2]

ومن لزمته فطرة نفسه لزمته فطرة من تلزمه مؤنته ليلة العيد إذا ملك ما يؤدي عنه،

---

1 For the Prophet ﷺ said:

"ابدأ بنَفسِك" و "ابدأ بمن تَعُول"

> "Start with yourself" (M) and said: "Start with those under your care." (Ag)

2 Al-Bukhari and Muslim related from Ibn 'Umar ﵁ that he said:

" فَرَضَ رَسُولُ اللهَّ ﷺ زَكَاةَ الْفِطْرِ صَاعًا مِنْ تَمْرٍ أَوْ صَاعًا مِنْ شَعِيرٍ عَلَى الْعَبْدِ وَالْحُرِّ وَالذَّكَرِ وَالْأُنْثَى وَالصَّغِيرِ وَالْكَبِيرِ مِنْ الْمُسْلِمِينَ وَأَمَرَ بِهَا أَنْ تُؤَدَّى قَبْلَ خُرُوجِ النَّاسِ إِلَى الصَّلَاةِ "

> "The Prophet ﷺ enjoined the payment of one saa' of dates or one saa' of barley as Zakat al-Fitr on every Muslim; young and old, male and female, free and slave and he commanded that it be given out before the people go to the prayer (meaning before the prayer)." (Ag)
>
> (H): May give the equivalent of saa' of food in cash. The majority: must be food.

Whoever must pay Zakat al-Fitr for himself, must also pay it for all of his dependents, if he owns enough, on the night of Eid, to pay for them. ❁

فإن كانت مؤنته تلزم جماعة كالعبد المشترك، أو المعسر القريب لجماعة، ففطرته عليهم على حسب مؤنته، وإن كان بعضه حراً ففطرته عليه وعلى سيده،

If someone's provision is the responsibility of a group of people, like a shared slave, or someone in financial difficulty who is a relative of a group of people, his Zakat al-Fitr is obligatory on them all in accordance with [their share of responsibility for] his provision. If [a slave] is partially free, his Zakat al-Fitr is obligatory on [both] him and his master.

ويستحب إخراج الفطرة يوم العيد قبل الصلاة،(١) ولا يجوز تأخيرها عن يوم العيد، ويجوز تقديمها عليه بيوم أو يومين(٢).

---

1 The Prophet ﷺ said:

" مَنْ أَدَّاهَا قَبْلَ الصَّلَاةِ فَهِيَ زَكَاةٌ مَقْبُولَةٌ، وَمَنْ أَدَّاهَا بَعْدَ الصَّلَاةِ فَهِيَ صَدَقَةٌ مِنْ الصَّدَقَاتِ "

"Whoever pays it before the prayer, it is accepted Zakat, and whoever pays it after the prayer, it is (unspecified) charity."(D)

2 Time to pay Zakat al-Fitr

Ibn 'Umar ؓ said: "They used to pay it one or two days before the end of Ramadaan." (Ag)

▤ That is the position of (A+M)
▤ (S): may be given from the beginning of Ramadan.
▤ (H): even before.

It seems that the first opinion is stronger based on the available proof and also the fact that this Zakat is meant to assist the poor during the time of 'Eid.

If there is a legitimate need to give it earlier, then it is hoped that it will be permissible.

⌚Also, if you pay it to your agent earlier and your agent gives it to the deserving party at the right time, it is acceptable.

⌚If you give it to the agent of the poor (charitable organization) before the prayer, and they give it to them after it, that is acceptable.

It is preferable to pay Zakat al-Fitr on the day of Eid before the prayer. ❁ It is not permissible to delay it until after the day of Eid[1],❁ but it is permissible to pay it a day or two in advance. ❁

ويجوز أن يعطي واحدًا ما يلزم الجماعة والجماعة ما يلزم الواحد.

It is permissible to give one man [the Zakat] that is obligatory on a group, and [to give] a group [the Zakat] that is obligatory on one man[2].

1 There is a difference of opinion on whether or not Zakat al-Fitr can still be paid after the prayer. The majority says, though detested to defer it after the prayer, it is acceptable until the end of the 'Eid day.

Not accepted after Eid.

2 Must be given to a Muslim. ❁

باب إخراج الزكاة

Chapter of How to Pay Zakat

لا يجوز تأخيرها عن وقت وجوبها إذا أمكن إخراجها، فإن فعل فتلف المال لم تسقط عنه الزكاة، وإن تلف قبله سقطت.

It is not permissible to delay it [paying the *Zakat*] until after it has become obligatory, if one is capable of paying it. ۞ If one does [delay it], and the property is ruined, the [responsibility of paying] Zakat would not be cancelled. ۞ However, if it is ruined before [the time of obligation], it would be cancelled.

ويجوز تعجيلها إذا كَمَل النصاب، ولا يجوز قبل ذلك، فإن عجلها إلى غير مستحقها لم يجزئه وإن صار عند الوجوب من أهلها، وإن دفعها إلى مستحقها فمات أو استغنى أو ارتد أجزأت عنه، وإن تَلِفَ المال لم يرجع على الآخذ.

It is permissible to pay [the Zakat] early if the *nisaab* (Zakat threshold) is present, but it is not permissible before that. ۞ If one pays it, earlier than the due date, to someone who does not deserve it, it would not count, even if [that person] became a worthy recipient [of Zakat] on the due date.

If one pays it [early] to someone who deserves it and then [that person] dies, no longer needs it or becomes an apostate, it would count for him, but if his property is ruined [after he paid the Zakat], he could not ask for it back from the person who received it.

ولا تنقل الصدقة إلى بلد تقصر إليه الصلاة، إلا أن لا يجد من يأخذها في بلدها.

It is not allowed[1] to transport *sadaqa* [Zakat in this context] to a faraway place so that it would be permissible to shorten the prayer, unless one does not find anyone to take it [who deserves it] in his own area.[٢]

[1] It is either disliked (*makrooh*) or forbidden (*haram*), according to the two different opinions.

[2] The Prophet ﷺ said to Mu'adh ibn Jabal (may Allah be pleased with him) when he sent him to Yemen:

«أعلِمهم أن الله افترَض عليهم صَدَقة في أموالِهِم تُؤخَذُ مِن أغْنِيائهِم فَتُرَدُّ على فُقَرائِهِم»

"Inform them that Allah has enjoined upon them Zakat on their wealth, to be taken from their rich and given to their poor." (Ag)

باب من يجوز دفع الزكاة إليه

Chapter of Who May Receive Zakat?

وهم ثمانية:

They are eight (categories of people)[1]:

الأول: الفقراء، وهم الذين لا يجدون ما يقع موقعاً من كفايتهم بكسب ولا غيره.

The first type are the poor ۞ and they are those who cannot afford what they need through earning or otherwise.

الثاني: المساكين، وهم الذين يجدون ذلك ولا يجدون تمام الكفاية.

The second type are the needy (al-masakeen, Pl. of Miskeen) ۞, and they are the ones who can afford some of their needs, but not enough.

الثالث: العاملون عليها، وهم السعاة عليها ومن يُحتاج إليه فيها.

The third type are the Zakat workers and they are the people who collect it and that are needed for it (all workers hired by the Zakat administration).[2] ۞

---

1 Allah the Almighty says:

«إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسَاكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ وَفِي سَبِيلِ اللهِّ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللهِّ وَاللهُّ عَلِيمٌ حَكِيمٌ»

> "As-Sadaqat (here it means Zakat) are only for the Fuqara (poor), and Al-Masakin (the poor) [needy] and those employed to collect (the funds); and to attract the hearts of those who have been inclined (towards Islam); and to free the captives; and for those in debt; and for Allah's Cause (i.e. for Mujahidoon - those fighting in the way of Allah), and for the wayfarer (a traveler who is cut off from everything); a duty imposed by Allah. And Allah is All-Knower, All-Wise."

2 Note:

🕒That includes the expenses of the charitable organizations which collect the Zakat.

الرابع: المؤلفة قلوبهم، وهم السادة المطاعون في عشائرهم الذين يرجى بعطيتهم دفعُ شرهم أو قوةُ إيمانهم أو دفعُهم عن المسلمين أو إعانتُهم على أخذ الزكاة ممن يمتنع من دفعها.

The fourth type are those whose hearts are to be reconciled ۞ and they are the authorities within their tribes about whom it is hoped that by giving them Zakat that their evil will be prevented or their faith will be strengthened or that they may help protect the Muslims or help them collect Zakat from those who are withholding it.[1]

الخامس: الرقاب، وهم المكاتبون وإعتاق الرقيق.

The fifth type are slaves and captives۞; who are contracted slaves, and for freeing slaves.

السادس: الغارمون، وهم المدينون لإصلاح نفوسهم في مباح، أو لإصلاح بين طائفتين من المسلمين.

The sixth is for those in debt ۞and they are the debtors who borrowed money for themselves to pay for permissible things or to reconcile two Muslim parties.

السابع: في سبيل الله، وهم الغزاة الذين لا ديوان لهم.

---

[1] Note:

- That includes giving of the Zakat money to political campaigns and campaigners if that is in the best interest of Muslims. It is essential that this is done by people who are trustworthy and well informed in this arena. It is also essential that this is done in moderation and the main and most important recipients of Zakat (the poor and needy,) are not neglected.

The seventh type is in the cause of Allah and they are the fighters who are not part of an organized army unit (unpaid). ۞[1]

الثامن: ابن السبيل، وهو المسافر المنقطع به وإن كان ذا يسار في بلده.

The eighth is the wayfarer۞; the traveler who lacks the means to return home even if he was well-off in his homeland.

فهؤلاء هم أهل الزكاة، لا يجوز دفعها إلى غيرهم

Such are those who deserve to receive Zakat and it is not permissible to give it to others.

ويجوز دفعها إلى واحد منهم لأنه ﷺ أمر بني زريق بدفع صدقتهم إلى سلمة بن صخر، وقال لقبيصة: أقم يا قبيصة حتى تأتينا الصدقة فنأمر لك بها.

Moreover, it is permissible to pay it to only one of them since the Prophet ﷺ instructed Bani Zaurayq to pay it to Salamah ibn Sakhr, and he ﷺ said to Qubaisah: "Stay here Qubaisah until the sadaqah (here it means Zakat) comes to us and then we will give you a portion of it."

ويدفع إلى الفقير المسكين ما تتم به كفايته، وإلى العامل قدر عُمالته، وإلى المؤلف ما يحصل به تأليفه، وإلى المكاتب والغارم ما يقضي به دينه، وإلى الغازي ما يحتاج إليه لغزوه، وإلى ابن السبيل ما يوصله إلى بلده، ولا يزاد واحد منهم على ذلك.

---

1 Note:
Many contemporary scholars argue that this would include now all means of Da'wah. Some go as far as allowing the building of masjids from the Zakat money, if there are no sufficient funds for this cause. Of those scholars, their eminence, Ibn Jibreen and Yusuf al-Qaradawi.
They agree it is acceptable to give it to the students of knowledge to enable them to finish their pursuit of Islamic knowledge.

The poor and needy are given what is sufficient for their needs❁ and the worker will be given fair recompense for his work❁ and the one whose heart is to be reconciled will be given what will reconcile him❁ and the contracted slave and the debtor will be given what they need to pay off what is due on them❁ and the fighter will be given what he needs for fighting❁ and the wayfarer will be given enough to enable him to return to his homeland❁ and none of them may be given more than that.

وخمسة منهم لا يأخذون إلا مع الحاجة وهم: الفقير، والمسكين، والمكاتب، والغارم لنفسه، وابن السبيل.

Five of them will not take anything except in the case of need, and those are: the poor, the needy, the contracted slave, the debtor for himself and the wayfarer. ❁

وأربعة يجوز الدفع إليهم مع الغنى وهم: العامل، والمؤلف، والغازي، والغارم لإصلاح ذات البين.

It is permissible for four of them to be given from the Zakat even if they are well-off and they are the Zakat worker, the one to be reconciled, the fighter and the debtor who incurred the debt to reconcile disputants. ❁

باب من لا يجوز دفع الزكاة إليه

Chapter of Those Who May Not Be Given Zakat

لا تحل الصدقة لغني ولا لقوي مكتسب، ولا تحل لآل محمد ﷺ وهم بنو هاشم ومواليهم.

It is not permissible for sadaqah (meaning Zakat here) to be given to someone who is wealthy, strong and capable of earning[1]. It is also not permissible for the household of Muhammad ﷺ to receive it, and those are Banu Hashim and their freed slaves.[2] ۞

ولا يجوز، دفعها إلى الوالدين وإن علوا، ولا إلى الولد وإن سفل، ولا من تلزمه مؤنته، ولا إلى كافر.

It is not permissible to pay it to parents and their ancestors[3] and children and their progeny and those under their care and the disbelievers[1]. ۞

---

1 For the Prophet ﷺ said in the following hadeeth:

عن عبيد الله بن عدي قال: أخبرني رجلان أنهما أتيا النبي ﷺ في حجة الوداع وهو يقسم الصدقة فسألاه منها فرفع فيهما البصر وخفضه فرآنا جلدين فقال : «**إن شِئتُما أعطَيتُكُما ولا حَظَّ فيها لغَنِيٍّ ولا لِقَوِي مُكتَسِب**»

'Ubayd-ullah ibn 'Adey said: Two men told me that they came to the Prophet ﷺ during the Farewell Pilgrimage when he was distributing the Zakat and asked him for some of it. He looked them up and down, and saw that they were strong and able-bodied. He said to them, "If you wish, I will give you some, but those who are rich or strong and able to earn have no share in it." (D)

2 For the Prophet ﷺ said:

«**إِنَّا آلُ مُحَمَّدٍ لَا تَحِلُّ لَنَا الصَّدَقَةُ وَمَوْلَى الْقَوْمِ مِنْهُمْ**»

"We are the family of Muhammad: sadaqah is not permissible for us, and the freed slave of a people is one of them."

3 If he is required to spend on them, then giving them from his Zakat is unacceptable by consensus.

فأما صدقة التطوع فيجوز دفعها إلى هؤلاء وإلى غيرهم.

Voluntary charity may be given to such people and others. ❁

ولا يجوز دفع الزكاة إلا بنية إلا أن يأخذها الإمام قهرًا

It is only permissible to pay Zakat with an intention, except if the (imam) ruler takes it by force. ❁

وإذا دفع الزكاة إلى غير مستحقها لم يجزه إلا لغني إذا ظنه فقيرًا.

And if he paid the Zakat to someone who does not deserve it, it will not be sufficient for him except to someone who is well-off whom he thought was poor.❁

[1] This is true except if they belong to the category of those whose hearts are to be reconciled.

كتاب الصيام
The Book of Fasting

يجب صيام رمضان على كل مسلم بالغ عاقل قادر على الصوم.

Fasting in Ramadan[1] is mandatory upon every sane adult Muslim who is capable of fasting.[٢] ❁

ويؤمر به الصبي إذا أطاقه.

---

1 The wisdom behind fasting
Books can be written about the wisdoms of the legislation of Fasting, but some of the more important wisdoms include:

- ? Demonstration of submission to the will of Allah, and exercise of devotion, where the servant reinforces in his heart that Allah comes first, and his pleasure should be the ultimate objective, before any desire. This is the greatest wisdom behind all acts of worship.
- ? Allowing the spirit to bring to balance the equation between the body and soul. For most of the year, most of the people are too busy satisfying their carnal desires to allow their souls to rise to the greater heights of piety, devotion, self denial, perseverance and asceticism.
- ? Fasting is a great exercise of patience and perseverance, and such qualities are essential for the believer to develop.
- ? Allows the affluent to experience hunger and thirst, and consequently, sympathize with those who are forced, most of their days, to live that experience.
- ? There is no doubt that Fasting is good for one's health. It rids one of the weaker cells in the body, and allows people to rest the digestive tract, and help them loose some of the extra weight.

2 For Allah the Almighty says:

«شَهْرُ رَمَضَانَ الَّذِي أُنزِلَ فِيهِ الْقُرْآنُ هُدًى لِّلنَّاسِ وَبَيِّنَاتٍ مِّنَ الْهُدَى وَالْفُرْقَانِ فَمَن شَهِدَ مِنكُمُ الشَّهْرَ فَلْيَصُمْهُ وَمَن كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ»

> "The month of Ramadan is that in which the Quran was revealed, a guidance to men and clear proof of the guidance and the distinction; therefore, whoever of you is present in the month, he shall fast therein, and whoever is sick or on a journey, then (he shall fast) a (like) number of other days." (al-Baqarah 2:185)

- 🕮 The Prophet ﷺ counted Ramadan as one of the five pillars in the famous hadeeth.

A child should be ordered to fast when he can tolerate it.[1]

[The Beginning of Ramadan]

ويجب بأحد ثلاثة أشياء: كمال شعبان، ورؤية هلال رمضان، ووجود غيم أو قتر ليلة الثلاثين يحول دونه.

Fasting becomes mandatory upon the occurrence of one of the following three things: the completion of thirty days of Sha'ban,۞ the sighting of the crescent (hilaal) of Ramadan,۞ or the presence of clouds on the night of the thirtieth of Sha'ban that prevents its sighting[2].

1 Fasting for Children

It is not mandatory on them. the Prophet ﷺ said:

«رفع القلم عن ثلاثة: عن المجنون المغلوب على عقله حتى يفيق، وعن النائم حتى يستيقظ، وعن الصبي حتى يحتلم»

> "The pen has been lifted for three (they are not held accountable): from one who has lost his mind until he regains his sanity, one who is asleep until he wakes up, and a child until he reaches puberty." (D. Nawawi, Shakir & Albani: Auth.)

However, it is important to get them used to fasting so that it is not hard on them when they have to. Ar-Rubaye' bint Mu'awwidh (may Allah be pleased with her) said:

«فكنا نصومه بعد، ونصوم صبياننا، ونجعل لهم اللعبة من العهن، فإذا بكى أحدهم على الطعام أعطيناه ذاك حتى يكون عند الإفطار».

> "…so, we would fast it ['Ashura'] afterwards and make our children fast and make stuffed toys of wool for them, so if they cried we would give the toys to them until it was time to break the fast." And that was during the time of the Prophet ﷺ.

2 The Day of Doubt

The position of the majority (H+M+S+a) is not to fast on the day of doubt when the sky is cloudy on the night of the thirtieth of Sha'ban (that is after the maghrib of the 29th). This is due to the statement of 'Ammaar ibn Yasser (may Allah be pleased with him):

«مَن صَام اليوم الذي شَكَّ فيه فقد عَصَى أبا القاسِم»

وإذا رأى الهلال وحده صام.

If one Muslim alone sees the crescent, he should fast.[1]

"He who fasts the day of doubt has disobeyed Abu al-Qassem (Abu al-Qassem is the kunyah (nickname which starts with "father of") of the Prophet ﷺ (T:Auth.)

⚖ The majority's position is right and that is one of the very few issues where the Hanbali madhahb is in conflict with a clear hadeeth. But, the reason for Imam Ahmad to choose this position is a hadeeth in which the Prophet said:

«فإن غُمَّ عليكم فاقدُرُوا لَه»

"And if there are clouds obstructing your view, (uqduroo) for it."

The word uqduroo can mean (estimate), which is used by the calculations advocates. It could mean (limit it), which would mean limit Sha'baan to 29 days for the sake of Ramadaan (i.e. not losing any of its days.) The correct understanding of the word was mentioned by the prophet himself when he said:

«فاقدُرُوا لَه ثلاثين»

"Consider Shaa'baan to be thirty days."

☞ Keep in mind that none of the great imams intended to deviate from the Sunnah. However, they may have not had access to all of the reports from the Prophet ﷺ.

This should be easier to understand when one knows that all of the 6 great compilers of the Sunnah came after the last of the four imams. Note also that their disagreements were not only because of the lack of access to certain reports. Yet, that is one of many reasons.

1 Saw the hilaal alone & was not followed by the rest?

There are three different opinions regarding the one who sees the crescent (hilaal) alone and his testimony is not accepted by the rest:

- some (S) said he should fast and break his fast (at the end of Ramadan) based on his sighting
- while others (a+T) said he may not do either and should fast with the group for the Prophet ﷺ said:

«صَومُكم يَومَ تَصُومُون ، وفِطرُكم يَومَ تُفطِرون ، وأضحاكم يَومَ تُضَحُّون»

"Your fasting is when you all fast and the day of breaking your fast is when you all break it and the day of Adha is when you all celebrate Adha." (T:S)

- The third group (H+M+A) said he may fast upon his sighting but not break the fast, and that is being on the safe side.

⚖ The second opinion seems to be strong, for the hadeeth, and Allah knows best.

فإن كان عدلاً صام الناس بقوله، ولا يفطر إلا بشهادة عدلين، ولا يفطر إذا رآه وحده.

And if he is trustworthy, people should fast based on his statement[1] and they should not break the fast [at the end of Ramadan] except if it is based on the testimony of two trustworthy individuals.[2] And he should not break the fast based on his sighting alone[3].

وإن صاموا بشهادة اثنين ثلاثين يوماً أفطروا، وإن كان بغيم أو قول واحد لم يفطروا إلا أن يروه أو يكملوا العدة.

And if they fasted based on the testimony of two, then they break their fast, and if they did [started the month of Ramadan] because of clouds or based on the statement of one individual, they should not break their fast until they see it or complete the period.[4]

---

[1] For the Prophet ﷺ accepted the testimony of Abdullah ibn Omar alone of seeing the crescent (hilaal) at the beginning of Ramadan (D & authenticated by an-Nawawi, Ibn al-Mulaqqin, Ibn Hazm and others) and he accepted that of a single Bedouin man (D&T with a controversial chain).

[2] For the Prophet ﷺ said:

«فإن شَهِد شاهدان فَصُوموا وأفطِروا»

"…and if two witnesses testify [to seeing the crescent], then fast and break your fast." (N. Albani: Auth.)

That would apply to both the beginning and end of Ramadan except that the above ahadeeth indicate that one witness is sufficient for the beginning.

[3] See the controversy mentioned above 1.

4 Ramadan 31 days?

- What Ibn Qudamah says here means that if they started the month based on the testimony of two, they would break their fast after thirty days of Ramadan whether or not they saw the crescent of Shawwal.
- But, if they based the beginning of Ramadan on the testimony of one individual or fasted on the day of doubt (because of clouds), they should continue to fast until they see the crescent (hilaal) or complete 60 days from the beginning of Sha'ban.
- Ibn Qudamah indicated in al-Mughni that there is another opinion of the Hanbali madhhab which supports breaking the fast without seeing the crescent after thirty days of fasting, even if they started the month based on the testimony of a single witness but certainly not when they started on the day of doubt.

وإذا اشتبهت الأشهر على الأسير تحرى وصام، فإن وافق الشهر أو ما بعده أجزأه، وإن وافق قبله لم يجزه.

And if the captive was confused regarding the months, he should do his best to figure it out and fast. ❁

And if his fasting coincided with the month or after it, it would suffice him, ❁ but if it was before, it would not. [1]

The latter opinion was also reported from (H+S)

[1] While this is the position of the vast majority, Imam Ibn Qudamah (may Allah bestow mercy on him) indicated in al-Mughni that some Shafe'ees consider fasting before the month began as valid, as long as the person did his best to seek the month of Ramadan.

باب أحكام المفطرين في رمضان

Chapter of The Rulings of Those Exempt from Fasting.

ويباح الفطر في رمضان لأربعة أقسام:

Breaking the fast is permissible in Ramadan for four types of people:

أحدها: المريض الذي يتضرر به، والمسافر الذي له القصر، فالفطر لهما أفضل وعليهما القضاء، وإن صاما أجزأهما.

The first is the ill person who would be harmed by fasting and the traveler who is permitted to shorten the prayer. [1] ❁ For them, breaking the fast is preferable and they should make up [for the number of days they did not fast]; and if they fasted, it would be valid❁.

الثاني: الحائض والنفساء تفطران وتقضيان، وإن صامتا لم يجزئهما.

The second type is a menstruating woman and one having postpartum bleeding.❁ They break their fast and make up for [those days],❁ and if they fasted it would not be valid.❁

---

[1] The opinion of Omar ibn Abdul-'Azeez is that if fasting will not cause the traveler any harm, it would be permissible for him to break the fast, even though it is better to fast if fasting in Ramadan is easier for him than making it up later.

📖 This position is supported by a hadeeth in Muslim from Abi Sa'eed al-Khudri ﷺ in which he said:

«كنا نَغْزُو مع رسول اللهَّ ﷺ في رَمَضَانَ فَمِنَّا الصَّائِمُ وَمِنَّا الْمُفْطِرُ فلا يَجِدُ الصَّائِمُ على الْمُفْطِرِ ولا الْمُفْطِرُ على الصَّائِمِ يَرَوْنَ أَنَّ من وَجَدَ قُوَّةً فَصَامَ فإن ذلك حَسَنٌ وَيَرَوْنَ أَنَّ من وَجَدَ ضَعْفًا فَأَفْطَرَ فإن ذلك حَسَنٌ». مسلم

"We used to go to battles with the Messenger of Allah ﷺ during Ramadan, and some of us would be fasting and some would not. The ones who fasted and the ones who broke their fast did not condemn one another. They [the Companions] used to think it is better for one who finds sufficient strength in himself to fast, and for one who feels weak, it is better to break the fast."

🕒 This may be even more relevant in our times when traveling could be very easy.

الثالث: الحامل والمرضع إذا خافتا على أنفسهما أفطرتا وقضتا، وإن خافتا على ولديهما أفطرتا وقضتا وأطعمتا عن كل يوم مسكيناً.

The third type is a pregnant woman and one who is breast feeding. If they fear for themselves, they break their fast ❁ and make up for it. And if they fear for their unborn child, they break their fast ❁ and make up for it and feed one poor individual per day.[١]

الرابع: العاجز عن الصيام لكبر أو مرض لا يرجى برؤه فإنه يطعم عنه عن كل يوم مسكيناً.

The fourth type is the person who is incapable of fasting because of old age or an incurable disease. In this case he should feed one poor individual per day.[٢] ❁

---

1 Pregnant and Nursing: Do they need to make up?
The position of al-'Umdah, here above, is the correct position of the Hanbali School of Fiqh and that of the majority as well.

However, according to Ibn 'Abbaa ﵁, in a report by Al-Bazzar, authenticated by ad-Daraqutni, the pregnant and nursing mother will only need to feed one person for each day of Ramadan that he did not fast, but he will not have to make up for those days.

«وكان بن عباس يقول لأم ولد له حبلى أنت بمنزلة الذي لا يطيقه فعليك الفداء ولا قضاء عليك» البزار.

Ibn 'Abbas's position is strong and is merciful to women who may be nursing or pregnant for many consecutive years.

2 Ibn 'Abbaas ﵁ recited the following verse:

«وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ»

"And for those who can fast [but do not], there is a "ransom': the feeding of a person in need." (Al-Baqarah ٢:185).

Then, he said: "It has not been abrogated. [Its ruling applies] to elderly men and women who are not able to fast. Instead, they must feed one poor person per each day they do not fast."(B)
This ruling was applied to everyone in the beginning. But, was then kept only for those who can fast albeit with hardship, such as the ones mentioned by Ibn 'Abbaas ﵁ and those who do hard labor.

وعلى سائر من أفطر القضاء لا غير، إلا من أفطر بجماع في الفرج فإنه يقضي ويعتق رقبة، فإن لم يجد فصيام شهرين متتابعين، فإن لم يستطع فإطعام ستين مسكيناً، فإن لم يجد سقطت عنه.

And as for the rest of those who break their fast, they should make up [those days] only[1] except for the one who broke his fast by intercourse. In this case, he must make it up plus free a slave, and if he could not, he should fast two consecutive months, and if he could not, he should feed sixty individuals and if he could not, then the burden is lifted from him.[2]

1 That is in general, but in some cases, as he will explain, there is, in the Hanbali School, also expiation along with making it up.

2 And that is to be done in this order based on the following report:

عن أبي هُرَيْرَةَ ﷺ قال أتى النبي ﷺ رَجُلٌ فقال هَلَكْتُ قال وَلِمَ قال وَقَعْتُ على أَهْلِي في رَمَضَانَ قال فَأَعْتِقْ رَقَبَةً قال ليس عِنْدِي قال فَصُمْ شَهْرَيْنِ مُتَتَابِعَيْنِ قال لَا أَسْتَطِيعُ قال فَأَطْعِمْ سِتِّينَ مِسْكِينًا قال لَا أَجِدُ فَأُتِيَ النبي صلى الله عليه وسلم بِعَرَقٍ فيه تَمْرٌ فقال أَيْنَ السَّائِلُ قال هَا أنا ذَا قال تَصَدَّقْ بهذا قال على أَحْوَجَ مِنَّا يا رَسُولَ اللَّهِ فَوَالَّذِي بَعَثَكَ بِالْحَقِّ ما بين لَابَتَيْهَا أَهْلُ بَيْتٍ أَحْوَجُ مِنَّا فَضَحِكَ النبي صلى الله عليه وسلم حتى بَدَتْ أَنْيَابُهُ قال فَأَنْتُمْ إِذًا.

> Abu Hurairah narrated that a man came to the Prophet ﷺ and said, "I am doomed." The Prophet asked, "Why?" He said, "I had intercourse with my wife in Ramadan." The Prophet said, "Free a slave." He said, "I can't afford it." The Prophet then said, "Fast for two consecutive months." He said, "I can't." The Prophet said, "Feed sixty poor persons" He said, "I can't afford it." Then a large container of dates was brought to the Prophet, and he ﷺ said, "Where is the one who was asking?" He answered, "Here I am." The Prophet ﷺ said, "Take these and give them in charity." The man said, "Is there anyone needier than us, O Messenger of Allah? I swear by Him who sent you with the truth, there is no household between the two lava hills (in al-Madeenah) that is needier than my household." The Messenger of Allah ﷺ smiled until his eyeteeth were visible, then he said, "Then, it is for you."

☞ May Allah's blessings be on the Prophet of Mercy!

فإن جامع ولم يكفر حتى جامع ثانية فكفارة واحدة، فإن كفر ثم جامع فكفارة ثانية،

And if he had intercourse and did not expiate until he had another intercourse, then one expiation only is due on him and if he expiated and had intercourse a second time, then a second expiation is mandatory on him.

وكل من لزمه الإمساك في رمضان فجامع فعليه كفارة

And every one who is required to abstain [from the nullifiers of fasting], in Ramadan, and had intercourse, should expiate.[1]

ومن أخر القضاء لعذر حتى أدركه رمضان آخر فليس عليه غير القضاء، وإن فرط أطعم مع القضاء لكل يوم مسكيناً،

And he who defers to make up the days for an excuse until the next Ramadan comes, nothing is required of him except making it up. And if he procrastinated without an excuse, then he should feed one poor individual per day.[٢]

وإن ترك القضاء حتى مات لعذر فلا شئ عليه، وإن كان لغير عذر أطعم عنه لكل يوم مسكيناً إلا أن يكون الصوم منذوراً فإنه يصام عنه، وكذلك كل نذر طاعة.

And if he deferred making it up until he died, then there is nothing required of him[3] and if it was for no excuse, then one poor individual should be fed per day on his behalf. This is so, except if the obligatory fasting was

[1] Even if the day would not count for him/her, like the one who was traveling and arrived home before Maghrib, or a menstruating woman whose period ended during the day, they should abstain from the nullifiers of fasting out of respect for the time, and if they had intercourse before Maghrib, they will have the full expiation of that due on them. This is the correct position for (A), yet there is another strong position that they don't have to abstain in the first place, but if they ate, they may not do so in public to show respect for Ramadan.

[2] This is the fatwa of Ibn 'Abbaas, Abu Hurairah and Ibn Omar as reported by ad-Daraqutni and Abdur-Razzaq.

[3] And that is the position of the four schools of fiqh.

because of a vow, then someone should fast on his behalf.[1] Likewise is the ruling for every vow to do a righteous deed.

1 Fasting on behalf of the deceased
Some scholars (Abu Thawr + s + many contemporary scholars) argue that the responsible heir of the deceased should fast on his behalf whether it was the fast of Ramadan or a vowed fast, because he owes them all to Allah the Almighty, and the Prophet ﷺ said:

«من مَاتَ وعلَيهِ صِيَام صَامَ عَنهُ وَليُّه»

"Whoever dies while owing some fasting (to Allah), let his responsible heir fast on his behalf." (Ag)

The hadeeth is general, and does not specify the vowed fasting.

باب ما يفسد الصوم

Chapter of the Things That Invalidate Fasting

من أكل أو شرب أو استعط أو أوصل إلى جوفه شيئاً من أي موضع كـان أو اسـتقاء أو استمنى أو قبل أو لمس فأمنى أو أمذى. أو حجم أو احتجم عامداً ذاكراً لصومه فسد،

[The Invalidators of Fasting]

Whoever:

a) eats ❁or drinks❁[1] or takes anything into his stomach through his nostrils[2]

b) or through any other route[3]

---

[1] Both these and sexual intercourse break one's fast by consensus, for Allah the Almighty says:

«فَالآنَ بَاشِرُوهُنَّ وَابْتَغُواْ مَا كَتَبَ اللّهُ لَكُمْ وَكُلُواْ وَاشْرَبُواْ حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الأَبْيَضُ مِنَ الْخَيْطِ الأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتِمُّواْ الصِّيَامَ إِلَى الَّليْلِ»

"…so now be in contact with them [your wives] and seek what Allah has ordained for you, and eat and drink until the whiteness of the day becomes distinct from the blackness of the night at dawn, then complete the fast till night…" (al-Baqarah 2:187)

Eating (by mouth) non-food items invalidates fasting by consensus. ❁

[2] For the Prophet ﷺ said:

«بَالِغْ فِي الِاسْتِنْشَاقِ إِلا أَنْ تَكُونَ صَائِمًا»

"Sniff water far into your nostrils unless you are fasting." (D; Albani: Auth.)

[3] Medical Care and Fasting

This is controversial, and based on this, scholars disagree on the following:

- Injections (with the exception of nutritious ones), many contemporary scholars believe they do not invalidate the fast. That is the position of the Fiqh Assembly of the OIC (Organization of Islamic Conference).
- Nutritious injections: controversial, but the vast majority considers them to invalidate the fast. That is the position of the Fiqh Assembly of the OIC.
- Enemas, many contemporary scholars allow them while fasting, because even though they reach the hollow interior of the body (al-Jawf), they do so from a route that is not natural for food or drink; it is not even close to this natural route.
- Vaginal suppositories do not break the fast according to (M+A) and modern medicine supports that position because there is no connection between the

c) or intentionally vomits[1]

---

vagina and the stomach. The same applies to the male and female urethra. That is the position of the Fiqh Assembly of the OIC.

- Sublingual tablets: many allow them because they are completely absorbed by the mucous membranes of the mouth and do not reach the hollow interior of the body (al-Jawf). The Fiqh Assembly of the OIC maintains that as long as the patient avoids swallowing it, there should be no harm.
- Inhalers and nasal sprays were regarded by the Permanent Fatwa Committee in Saudi Arabia as non-invalidators of the fast.
- Nasal drops: controversial, and the scholars who say it invalidates the fast support their view with the previous hadeeth about istinshaq. The scholars who argue that they do not break the fast maintain that even if a minute amount made it to the stomach, it would still be negligible. The Fiqh Assembly of the OIC maintains that as long as the patient avoids swallowing it, there should be no harm.
- Eye drops and eardrops do not invalidate one’s fasting according to many scholars, particularly eardrops because there is no connection between the external ear and the interior of the body except in the case of perforation of the eardrum, and then what may reach the hollow interior of the body (al-Jawf) would be extremely negligible. That is the position of the Fiqh Assembly of the OIC.
- Endoscopes, even if they enter from the mouth, they would not break the fast according to many (including the Fiqh Assembly of the OIC) because, according to (T), they are not nutritious and according to (H), they do not remain in the abdomen. The majority of the earlier scholars would consider them invalidators because they enter the hollow interior of the body (al-Jawf).
- Skin preparations that are absorbed into the body do not invalidate the fast according to the Fiqh Assembly of the OIC and the vast majority of contemporary scholars and that was the opinion of Imam Ibn Taymiyah.

1 For the Prophet ﷺ said:

«من ذَرَعَهُ الْقَيْءُ فَلَيْسَ عليه قَضَاءٌ وَمَنْ اسْتَقَاءَ عَمْدًا فَلْيَقْضِ»

“He who is overwhelmed by vomiting does not have to make up, but he who intentionally vomits must make up.” (T, and authenticated by Ibn Khuzaimah and Ibn Hibban and others).

d) or masturbates[1]

e) or kissed or touched [the opposite sex] and subsequently ejaculated semen or had madhey[2]

f) or had hijamah (cupping with bloodletting) or did it to someone else,[3]

The one who intentionally vomits is the one who brings it on, not the one who vomits because he feels very nauseous.

[1] That is the position of the four schools of Fiqh, for in the Divine hadeeth, Allah the Almighty says about the fasting person:

"...يَدَعُ شَهْوَتَهُ وَأَكْلَهُ وَشُرْبَهُ من أَجْلِي..."

"…he gives up his (sexual) desire, food and drink for Me…" (Ag)

And the one who masturbates does not give up his sexual desire.

2 Kissing one's spouse while fasting with subsequent discharge

The position here above is the agreement of the four schools of Fiqh in the case of the ejaculation of semen, but it is controversial in the case of madhey. Many (S + a) argue that it would not break the fast since the Prophet ﷺ allowed touching and kissing and that is not infrequently associated with madhey.

3 Bloodletting, Blood donation, and Blood tests

That is the correct position of the Hanbali school of thought. The majority does not consider hijamah to break one's fast.

The disagreement is because the Prophet ﷺ said:

" أفطَرَ الحاجِم و المَحْجُوم"

"Both the one doing bloodletting and the one having it done to him break their fast." (D; Albani: Auth.)

Yet, many of the sahabah considered this to be abrogated and allowed bloodletting while fasting, and they include Anas Ibn Malik who indicated that it was initially forbidden out of fear that they may become weak. (B) It was also reported from Ibn 'Abbaas (may Allah be pleased with him) that he said:

"احْتَجم فيما بين مَكة والمدينة وهُو مُحْرِم صَائم"

"The Prophet had hijamah done to him while he was between Makkah and al-Madeenah while he was fasting and in the state of Ihram." (B and T, and this wording is from T)

It may be a good way to reconcile the reports if we consider hijamah while fasting to be disliked.

This is so because it weakens the person and may cause him hardship while fasting, or even cause him to break his fast.

intentionally and while remembering [that he is fasting] his fast is nullified.

[Ruling of Forgetfulness and Compulsion]

وإن فعله ناسياً أو مكرهاً لم يفسد صومه،

And if he did it absentmindedly or was forced, his fast is not nullified.[1]

[These Acts Do Not Break the Fast]

وإن طار إلى حلقه ذباب أو غبار أو تمضمض، أو استنشق فوصل إلى حلقه ماء، أو فكر فأنزل أو قطر في إحليله أو احتلم أو ذرعه القيء لم يفسد صومه،

And if flies flew into his mouth❁ or dust ❁ or he made madmadah (mouth rinsing) or istinshaq (sniffing of water into the nostrils and blowing it out) and water reached his pharynx[2],❁ or if he thought [about sex] and

---

? As for the person who performs it, he may swallow blood while doing it, or at least he would be helping someone on an act that may compromise his fast.

◷Most of those who believe that hijamah breaks the fast would prevent blood donation, but most of them allow blood tests, since only a small amount of blood is taken.

[1] For the Prophet ﷺ said:

"من نَسِيَ و هو صَائم، فأكَلَ أو شَرِب، فليُتم صَومَه، فإنَّما أطعَمَه الله و سَقَاه"

"He who forgets while fasting and eats or drinks, let him finish his fasting for it is Allah the Almighty who fed him and gave him drink."(Ag)

The same would apply to one under compulsion, since he did not intentionally break his fast.

This also applies to one who had intercourse without remembering that he is fasting.

[2] None of these break the fast because:

? He did not intend to break his fast, likewise he did not do anything wrong, nor did he do anything that may probably result in the invalidation of his fast.

ejaculated[1]❁ or discharged drops into his urethra[2] or had a wet dream❁ or was overwhelmed by vomiting❁, his fast is not nullified.

[Mistakes]

ومن أكل يظنه ليلاً فبان نهاراً فعليه القضاء، ومن أكل شـاكاً في طلـوع الفجـر لم يفسـد صومه، وإن أكل شاكاً في غروب الشمس فعليه القضاء.

And if he ate thinking it was night and it turned out to be day, he must make up[3] the day, and if he ate doubting the beginning of fajr time, his

1 For the Prophet ﷺ said:

" إنَّ الله تَعالى وَضَعَ عَن أمَّتِي الخَطَأ، و النِّسيان، وما استُكرِهوا عَلَيه"

"Allah exempted my nation from what they do by mistake, absentmindedly or under compulsion."
(Ma. Hib&H& Albani: saheeh (authentic); Nawawi: hassan (sound) and.

2 That is the majority's position, and it is correct because of the lack of connection between the urinary and GI tracts.

3 Ate, thinking it was night?

- The position here above is the opinion of the majority and the four schools of fiqh.
- Some scholars (Ishaaq + a) argued that his fasting would not be nullified if he did not act on mere conjecture.

- This latter position is one of the two reports from Omar (may Allah be pleased with him) and it is the more authentic one from him.
- The root of the disagreement is that an incident happened during the time of the Prophet ﷺ and it was reported by (B + D) from Asma' in which the sky became cloudy and they broke their fast, and then the sun came up. There are conflicting reports as to whether or not they made up that day.

The opinion of the majority is safer and chosen by Ibn Hajar, Ibn Qudamah and many of the verifying scholars.

fasting is not nullified[1] and if he ate guessing that Maghrib was in, he must make up [if he was wrong][2].

1 For the principle, governing this issue, would be the presumption of the continuity of the night until it is known to him that the day has begun.

2 Again, because the principle is the presumption of the continuity of the day, but if he did his best to figure it out and acted on probability and not mere conjecture, then some scholars validate his fasting.

باب صيام التطوع

Chapter of Voluntary Fasting

أفضل الصيام صيام داود عليه السلام: كان يصوم يوماً ويفطر يوماً،

The best fasting is that of Dawood (peace be upon him); he used to fast every other day.

وأفضل الصيام بعد شهر رمضان شهر الله الذي يدعونه المحرم،

And the best fasting after the month of Ramadan is the month they call al-Muharram.[1]

وما من أيام العمل الصالح فيهن أحب إلى الله من عشر ذي الحجة.

And there are no days in which righteous deeds are more beloved to Allah than the first days of Dhul-Hijjah.

ومن صام رمضان وأتبعه بست من شوال فكأنما صام الدهر كله،

And whoever fasts the month of Ramadan and follows it by fasting six days of Shawwal, it is (counted) as if he fasted his entire life.

وصيام يوم عاشوراء كفارة سنة وصيام يوم عرفة كفارة سنتين، ولا يستحب لمن بعرفة أن يصومه.

---

1 For the Prophet ﷺ said:

" أفضَل الصِّيام، بعد رَمَضان، شَهرُ الله المُحَرَّم. وأفضَلُ الصَّلاةِ، بَعدَ الفَريضَة، صَلاة الليل "

“The best fasting after Ramadan is (in) the month of Muharram and the best prayer after the mandatory prayers is the night prayer.” (M)

And fasting on the day of ‘Ashura’ is an expiation for one year and fasting on the day of ‘Arafah is an expiation for two years. And it is not preferable for the one at ‘Arafah to fast this day.

ويستحب صيام أيام البيض، والإثنين والخميس،

And it is preferable to fast the white days as well as Mondays and Thursdays.

والصائم المتطوع أمير نفسه إن شاء صام وإن شاء أفطر ولا قضاء عليه،

And the person doing a voluntary fast is in charge of himself; if he wants, he may fast and if he wants he may break the fast and he is not required to make it up.

وكذلك سائر التطوع إلا الحج والعمرة فإنه يجب إتمامها، وقضاء ما أفسد منها،

Likewise are all voluntary acts except for Hajj and ‘Umrah; they must be completed and when invalidated, it is mandatory to make them up.

ونهى رسول الله ﷺ عن صوم يومين: يوم الفطر، ويوم الأضحى، ونهى عن صوم أيام التشريق، إلا أنه رخص في صومها للمتمتع إذا لم يجد الهدي، [1]

And the Messenger of Allah ﷺ forbade fasting on two days: the day of al-Fitr and the day of al-Adha. And he forbade fasting on the days of al-

1 For the report in al-Bukhari from ‘Aishah and Ibn Omar (may Allah be pleased with them):

«لَمْ يُرَخَّصْ فِي أَيَّامِ التَّشْرِيقِ أَنْ يُصَمْنَ إِلا لِمَنْ لَمْ يَجِدْ الْهَدْيَ»

“Fasting was not permitted on the days of al-Tashreeq except for the person who did not find an offering (hady).”

☞ When a companion says it was made lawful or unlawful…etc, the assumption would be that he must be reporting from the Prophet ﷺ. (Please refer to the details in the Book of al-Hajj.)

Tashreeq. However, he permitted fasting on them for the person who is doing tamattu' ('Umrah before Hajj with interruption of the state of Ihram between them).

وليلة القدر في الوتر من العشر الأواخر من رمضان.

And the night of decree is one of the odd nights in the last ten days of Ramadan.

باب الاعتكاف

Chapter of Devotional Retreat

وهو لزوم المسجد لطاعة الله تعالى فيه، وهو سنة، إلا أن يكون نذراً فليزم الوفاء به.

And that is abiding in the masjid for the worship of Allah Most High. And it is a Sunnah ❁ unless it is vowed, then the vow must be fulfilled. ❁

ويصح من المرأة في كل مسجد غير مسجد بيتها،

And it is valid for women in every masjid aside from the masjid of her own home.

ولا يصح من الرجل إلا في مسجد تقام فيه الجماعة، واعتكافه في مسجد تقام فيه الجمعة أفضل،

And it is not valid for a man except in a masjid where the congregational prayer (jama'at) is performed[1], and it is better to make i'tikaf in a masjid where the jumu'ah prayer is offered[2].

ومن نذر الاعتكاف أو الصلاة في مسجد فله فعل ذلك في غيره إلا المساجد الثلاثة،

And he who vows to make i'tikaf or prayer in a particular masjid may do so in a different masjid except if he is vowing to do this in one of the three masjids.

1 And that is because in the *madhhab*, the congregational prayers are mandatory.

2 Apparently, he indicates that it is not mandatory to make i'tikaf in a masjid where the *jumu'ah* is prayed, and in this case, he will go out to pray jumu'ah and then return to his i'tikaf.

فإذا نذر ذلك في المسجد الحرام لزمه، وإن نذر الاعتكاف في مسجد رسول الله ﷺ جاز له أن يعتكف في المسجد الحرام، وإن نذر أن يعتكف في المسجد الأقصى فعله في أيهما أحب.

If he vows to do this in Masjid al-Haram, then he must do it there. However, if he vows to make i'tikaf in the masjid of the Messenger of Allah ﷺ, he may do so in Masjid al-Haram; and if he vows to make I'tikaf in Masjid al-Aqsa, he may do so in whichever one of the two[1] he pleases.[2]

ويستحب للمعتكف الاشتغال بفعل القرب، واجتناب ما لا يعنيه من قول وفعل، ولا يبطل الاعتكاف بشيء من ذلك،

1 Meaning *al-Haram* or the Prophet's masjid ﷺ; he may also certainly do it in *al-Aqsa* according to his vow.

2 Changing the Masjid

The position here above is that of the majority because all masjids are equal except for those three and the best is *al-Masjid al-Haraam*, then the Prophet's masjid and then al-Aqsa. As for making a vow to pray in one of the three masajid or to make i'tikaf and replacing one for a better one, there is the following report:

«عن جَابِرِ بن عبد اللهَّ أَنَّ رَجُلًا قام يوم الْفَتْحِ فقال يا رَسُولَ اللهَّ إني نَذَرْتُ للهَّ إن فَتَحَ الله عَلَيْكَ مَكَّةَ أَنْ أُصَلِّيَ في بَيْتِ الْمَقْدِسِ رَكْعَتَيْنِ قال صَلِّ ها هنا ثُمَّ أَعَادَ عليه فقال صَلِّ ها هنا ثُمَّ أَعَادَ عليه فقال شَأْنُكَ إِذَنْ»

Jabir reported that a man stood up on the day of the Conquest of Makkah, and said, "O Messenger of Allah, I have vowed to Allah to pray two rak'ats in Bayt al-Maqdis if He gives you victory over Makkah." The Prophet ﷺ said: "Pray here." He repeated what he said, and the Prophet ﷺ said, "Pray here." He repeated what he said again, whereupon the Prophet ﷺ said, "Then, it is up to you". (D; authenticated by Ibn Daqeeq al-'Eid and al-Albani)

And it is preferable for the person doing i'tikaf to keep himself busy with acts that bring him closer to Allah *(Qurab)* ۞ and avoid words and actions that do not pertain to Him. I'tikaf is not invalidated with any of that.

ولا يخرج من المسجد إلا لما لا بد له منه إلا أن يشترط، ولا يباشر امرأة.

And he should not leave the masjid except for a necessity/need ۞ unless he makes a condition. And he must not touch a woman (with desire).[1]

وإن سأل عن المريض في طريقه أو عن غيره ولم يعرج إليه جاز.

And if he asked about a patient on his way or someone else without visiting him, it would be permissible.

[1] For Allah the Almighty says:

«وَلاَ تُبَاشِرُوهُنَّ وَأَنتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ»

"And do not have sexual relations with them (your wives) while you are in Itikaf" (al-Baqarah 2:187)

كتاب الحج والعمرة
The Book Of Hajj And 'Umrah

[Conditions of Obligation]

يجب الحج والعمرة مرة في العمر على المسلم العاقل البالغ الحر إذا استطاع إليه سبيلاً،

Hajj[1] and 'Umrah[2] are mandatory on the free ۞ sane ۞ adult Muslim, ۞ once in a lifetime, ۞ if he can afford the means to do it. ۞

1 Wisdom of Hajj
There is a great deal of wisdom behind the legislation of Hajj, including:

- The worship of Allah and complete submission to His commandments; those that we comprehend and those that we may not.
- The remembrance of Allah, which provides an immense spiritual energy.
- The remembrance of the Hereafter and the Day we will be resurrected from the graves naked without any of our worldly possessions that we left behind.
- Training in endurance for the sake of Allah the Almighty by leaving one's homeland, family and wealth and so on.
- The gathering of the Muslims has many benefits including:
  - Strengthening the bonds of brotherhood across the various nationalities, races, tongues and geographic locations.
  - Learning about the conditions of the Muslims elsewhere at a time when there were limited means of communication.
  - The spread of knowledge, whether religious or otherwise, throughout Muslim lands.

The obligation of Hajj is a matter of consensus. ۞
Allah said:

﴿وَلِلهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلاً﴾

"Pilgrimage thereto is a duty men owe to Allah,- those who can afford the journey." (Aal-e-Imran, 3:97.)

2 Obligation of Umrah
Umrah is mandatory according to (A+S)
(H+M): recommended.

The Prophet ﷺ said:

«الْعُمْرَةُ إِلَى الْعُمْرَةِ كَفَّارَةٌ لِمَا بَيْنَهُمَا وَالْحَجُّ الْمَبْرُورُ ليس له جَزَاءٌ إلا الْجَنَّةُ»

والاستطاعة أن يجد زاداً وراحلة بآلتهما مما يصلح لمثله فاضلاً عما يحتاج إليه لقضاء دينه ومؤنة نفسه وعياله على الدوام.

And affording it means that he has sustenance and a mount and what is necessary for them[1] that would suit someone like him; and that is aside from what he needs to pay off his debts[2] and for sustenance for himself and his dependents until he returns.[1]

"From one 'Umrah to the next is atonement for any sins committed in between, and the reward for an accepted Hajj is nothing but Paradise." (Ag)

So, the reward of 'Umrah is great, and it would be a great loss not to gain it, and frequently, when possible, as inferred in the hadeeth.

Yet, there is a considerable disagreement over its obligation.

The proof on its obligation is:

Allah said:

﴿وَأَتِمُّواْ الْحَجَّ وَالْعُمْرَةَ لِلّهِ﴾

"And complete the Hajj and 'Umra in the service of Allah."

When the Prophet was asked if there is Jihad mandatory on women, he replied:

«نعم عَلَيْهِنَّ جِهَادٌ لَا قِتَالَ فيه الْحَجُّ وَالْعُمْرَةُ»

"Yes, there is a type of Jihad that is mandatory on them, Hajj and 'Umrah." (Ma.)

The evidence that 'Umrah is not mandatory is the following hadeeth, in which a man asked the Prophet whether 'Umrah is mandatory, and the Messenger of Allah ﷺ said to him:

«لَا وَأَنْ تَعْتَمِرَ خَيْرٌ لَكَ»

"No, yet if you make 'Umrah, that is better for you." (T from Jabir)

The hadeeth would have been decisive in settling the disagreement with two conditions: being authentic and not abrogated. It is weak according to the scholars, including Az-Zayla'ee al-Hanafi (mercy be on them all).

The evidence is on the side of its obligation.

1 What is necessary for the mount is a saddle and so on and what is necessary for food is the utensils for cooking and so on.

The scholars added to these two: physical capacity and safety on the road.

2 Debts and Hajj

One should pay off his debts that are due before he embarks on hajj. Debts prevent one from making hajj:

[The condition of a Mahram for women]

ويعتبر للمرأة وجود محرمها وهو زوجها ومن تحرم عليه على التأبيد بنسب أو سبب مباح،

It is also considered necessary for a woman (to be of those who can afford it) to have a mahram[2] with her, which is her husband and the

---

1. When they are due.
2. Can't pay them off as well as make hajj.
3. Can't get permission from the lender to make hajj before the debt is paid off.

If the debt is deferred installments, one may go to hajj if that will not prevent him from paying off his installments.

⌚This is important to know, since many people incur debts (halal mortgage, hopefully) to buy cars and homes…etc.

1 The word used in Arabic is ('ala ad-dawaam), which means forever, but in this context it means that he does not need to sell his house or store to go to Hajj, for he will always need them; he also has to leave his family enough for their sustenance until he returns.

2 The requirement of the mahram in Hajj for women

This is the opinion of (H + A), while (M + S) do not require it. It is important here to stress that the scholars who required the mahram maintain that if the woman does not find someone after intending to perform Hajj, she will be given the full reward of the worship for her intention. The Prophet ﷺ said about the companions who stayed back in al-Madeenah and did not go out to Tabook:

"إنَّ بالمَدينَة أقوامًا ، ما سِرتم مسِيرًا ، ولا قَطَعتُم وادِيًا إلا كانوا معكم . قالوا: يا رسول الله، وهم بالمَدِينَة ؟ قال: وهم بالمَدينَة، حَبَسَهم العُذر."

> "In Madeenah there are some people who, whenever you marched or traversed a valley, they shared the reward with you." The companions said: "O Messenger of Allah, but they were in Madeenah?" He said, "They were in Madeenah because some excuse kept them back." (B)

In addition to obtaining the full reward, the duty of Hajj is removed from her.

The reason behind the requirement is the following report:

عن ابن عباس رضي الله عنه أنه سمع النبي ﷺ يقول : «**لا يخلون رجل بامرأة إلا ومعها ذو محرم ، ولا تسافر امرأة إلا مع ذي محرم**»، فقام رجل فقال: يا رسول الله إن امرأتي خرجت حاجة، وإني اكتتبت في غزوة كذا وكذا، قال: «**انطلِق فحج مع امرأتك**»

> **Ibn 'Abbaas رضي الله عنه said that he heard the Prophet ﷺ say: "No man should be alone with a woman unless her mahram is**

permanently[1] non-marriageable men because of consanguinity or some permissible[2] reason[3].

ومن فرط حتى مات أخرج عنه من ماله حجة وعمرة،

And he who neglects it until he dies, money should be taken out of his estate for one Hajj and one 'Umrah [to be done on his behalf].[4]

---

present, and no woman should travel unless she has a mahram with her." A man stood up and said: "O Messenger of Allah, my wife has gone out for Hajj, and I have enlisted for such and such campaign." The Prophet ﷺ said, "Go and perform Hajj with your wife." (B)

The scholars who allowed performing Hajj without a mahram said that the Prophet ﷺ told him to go out with her, but he did not blame her, and they use the following report to justify their position:

The Prophet ﷺ was talking to 'Adey ibn Hatem about the level of security that will prevail in the Arabian Peninsula, and said to him:

"فإن طالت بك الحياة، لترين الظعينة ترتحل من الحيرة، حتى تطوف بالكعبة لا تخاف أحدا إلا الله"

"If you live long enough, you will see a lone woman traveler leaving from al-Heerah until she reaches the Ka'bah while fearing none but Allah." (B)

The scholars who forbid this say that this is merely telling about an event that will take place in the future without any rulings attached to it, while those who permit it say that the Prophet ﷺ praised her and said that she would be fearing none but Allah. Thus, they say that if security is guaranteed, she may travel with a trustworthy company.

1 That is to exclude the transiently non-marriageable men such as the husband of her sister or aunt.

2 That is to exclude the ones that are non-marriageable because of an ambiguous/controversial marriage or relationship, such as the daughter of a woman with whom he had illicit sex or an ambiguous marriage.

3 The permissible reasons include, besides the blood relatives, breastfeeding and marriage, such as when a man marries a woman, her mother becomes his mahram even though she is not from his kin.

4 For it is a debt the deceased owed to Allah the Almighty as in the following hadeeth:

[Conditions of Validity]

ولا يصح الحج من كافر ولا مجنون، ويصح من الصبي والعبد ولا يجزئ عنهما.

And it is not valid from a disbeliever ❁ or an insane person[1] ❁ and it is valid from a child and a slave ❁ but would not be sufficient for them[2] (to fulfill their obligation to perform it).❁

ويصح من غير المستطيع والمرأة بغير محرم.

" جاءت امرأةً إلى رسول الله فقالت : يا رسول الله إن أمي نَذَرَت أن تَحُجَّ فلم تحج حتى ماتت أفَأَحُجُّ عنها ؟ قال رسول الله ﷺ: نعم حُجِّي عن أمك ، أريتِ لو كان على أُمك دين أكنتِ قَاضِيَتَه ؟ قالت : نعـم ، فقـال : فاقْضُوا الله فالله أحق بالوفاء"

> "A woman came to the Messenger of Allah ﷺ and said, "O Messenger of Allah, my mother vowed to perform Hajj and did not until she died, so should I perform Hajj on her behalf?" The Messenger of Allah said, "Yes, perform Hajj on behalf of your mother. What do you think if your mother owed a debt, would you have paid it off?" She said, "Yes." He ﷺ said, "So pay Allah off, for He is more worthy of having commitments to Him fulfilled." (B)

1 The Insane and Disbeliever

Hajj is neither mandatory on nor accepted from the insane, ❁ and so is the case with the disbeliever, with some disagreement over the obligation of the detailed injunctions of Islam on the disbelievers.

What is not controversial is that we do not force them to perform it, and if they performed them, they would be invalid.

2 The Slave and Child

It is agreed upon that Hajj is not mandatory on a slave or a child, but is accepted from them. However, it is not sufficient for the mandatory Hajj of Islam, and that is based on the statement of the Prophet ﷺ:

"أيما صَبِيٍ حَجَّ ثم بَلَغَ الحِنْث فعليه أن يَحُج حَجَّةً أُخرى، وأيما عبدٍ حج ثم أُعْتِقَ فعليه أن يَحُجَّ حَجَّةً أُخْرَى"

> "Any child, who performs Hajj and then reaches puberty, must perform another Hajj, and any slave who performs Hajj and is then freed, has to perform another Hajj." (Ba + Tab; authenticated by Ibn al-Mulaqqen and al-Albani. Al-Baihaqi authenticated the report that stops at Ibn 'Abbaas).

It is valid[1] for the one who cannot afford it and the woman who does not have a mahram.۞

ومن حج عن غيره ولم يكن حج عن نفسه أو عن نذره أو عن نفله وفعله قبل حجة الإسلام وقع حجه عن فرض نفسه دون غيره.

And he who performs Hajj on behalf of someone else and had not yet performed it for himself, or performs Hajj for his vow or a voluntary one, and he did that before the mandatory Hajj of Islam, this will count for the mandatory Hajj of Islam and not for anyone else.[2]

---

1 Valid here means not only accepted, like in the case of the child, but means that it will suffice for the mandatory hajj *(Hajjat-ul-Islam).*
2 That is based on
📖 the following report narrated by Ibn ‘Abbaas:

" سمع رسول الله رجلاً يقول : لبيك عن شبرمه فقال رسول الله: ومن شبرمه ؟ قال : أخٌ أو قريبٌ لي ، قال : هل حججت عن نفسك ؟ قال : لا ، قال : حج عن نفسك ثم حج عن شبرمه"

“The Messenger of Allah ﷺ heard a man saying, “Here I am [intending Hajj, O Lord] on behalf of Shubrumah.” The Prophet ﷺ asked, “Who is Shubrumah?” The man said, “A brother or relative of mine.” The Prophet ﷺ said, “Have you performed Hajj for yourself?” The man answered, “No.” The Prophet ﷺ said, “Perform Hajj for yourself first and then for Shubrumah.” (D/Ma)

? The hadeeth is clear that he must do his own hajj first, but it is not clear that the kind of hajj will become hajjat-ul-islam by default, even if he did not intend it.

📖 In some reports, however, the Prophet ﷺ said:

"هذه عنك ثم حج عن شبرمة."

“This will count for you, and you should then make hajj on behalf of Shubrumah.”(Ba)

⚖ This is somewhat more supportive of the Hanbali position here above, yet, there is much legitimate controversy over this issue.

باب المواقيت

Chapter of the Sites of Ihram

وميقات أهل المدينة ذو الحليفة، وأهل الشام والمغرب ومصر الجحفة، والـيمن يلملـم، ولنجد قرن، وللمشرق ذات عرق،

And the Meeqat[1] (ihram site) of the people of al-Madeenah is Dhul-Hulayfah and for the people of ash-Sham[2], al-Maghrib[3] and Egypt is al-Juhfah and for Yemen, Yalamlam and for Najd Qarn, and for the Mashriq[4], Dhat-'Irq. ❁

فهذه المواقيت لأهلها، ولكل من يمر عليها،

So, those are the mawaqeet (pl. of meeqat) for the people who live there and those who cross through/by them. ❁

ومن منزله دون الميقات فميقاته من منزله حتى أهل مكة يهلون منهـا لحجهـم ويهلـون للعمرة من أدنى الحل،

And for the one whose house is closer than al-meeqat [to Makkah], his meeqat is from his own home, including the people of Makkah; However,

[1] The point at which the pilgrim must enter into the state of Ihram. The word "meeqat" may be used in reference to particular places or times. The Pl. is mawaqeet, such as in mawaqeet as-Salah (fixed times of the prayers).

[2] Ash-Sham is greater Syria. That is the area of the current states of Syria, Lebanon, Jordan and Palestine (may Allah liberate it).

[3] Al-Maghrib is the area that includes the current states of al-Maghrib (Morocco), Algeria, Tunisia and Libya.

[4] Al-Mashriq means 'east'. That is 'Iraq and all the Muslim lands east of it. There is controversy whether this meeqat was assigned by the Messenger of Allah ﷺ or Omar (may Allah be pleased with him). It could have been assigned by the Prophet ﷺ and again by Omar who did not know that the Prophet ﷺ had assigned it for al-Mashriq. In this way we can reconcile the various reports.

they enter into ihram for ‘Umrah from the closest place outside the sacred land (haram)[1]. [2]❁

ومن لم يكن طريقه على ميقات فميقاته حذو أقربها إليه،

And he whose way does not pass by a meeqat, his meeqat would be parallel to the closest meeqat to him.[3]

---

1 People of Maccah

- The position here above is that of the majority.
- Some scholars said that the people of Makkah may enter into Ihram for ‘Umrah from Makkah itself because of the general meaning of the aforementioned hadeeth of Ibn ‘Abbaas. However, when the Prophet ﷺ allowed ‘Aisha to perform ‘Umrah during the Farewell Pilgrimage, he commanded her brother ‘Abdur-Rahman to take her to at-Tan’eem, which is the closest area to the Ka’bah that is outside al-Haraam. (Ag). Based on this, the vast majority of scholars maintain that the people of Makkah need to go out of the Haraam to enter Ihram for ‘Umrah. The reason why they do not go out for Ihram of Hajj is that during the rituals of Hajj, they will go out of the sacred land. Thus, in both Hajj and ‘Umrah and for the people of Makkah and others, they will all combine, in their state of Ihram, between being in the sacred land and outside it.

2 All of the above is based on

- 🕮 agreed-upon reports, such as the following from Ibn ‘Abbaas (may Allah be pleased with him) who said:

" وَقَّتَ رسول اللهَّ صلى الله عليه وسلم لِأَهْلِ الْمَدِينَةِ ذَا الْحُلَيْفَةِ وَلِأَهْلِ الشَّامِ الْجُحْفَةَ وَلِأَهْلِ نَجْدٍ قَرْنَ الْمَنَازِلِ وَلِأَهْلِ الْيَمَنِ يَلَمْلَمَ قال فَهُنَّ لَهُنَّ وَلِمَنْ أتى عَلَيْهِنَّ من غَيْرِ أَهْلِهِنَّ مِمَّنْ أَرَادَ الْحَجَّ وَالْعُمْرَةَ فَمَنْ كان دُونَهُنَّ فَمِنْ أَهْلِهِ وَكَذَا فَكَذَلِكَ حتى أَهْلُ مَكَّةَ يُهِلُّونَ منها "

“The Prophet ﷺ assigned Dhu’l-Hulayfah as the meeqat of the people of Madeenah, for the people of ash-Sham al-Juhfah; for the people of Najd Qarn al-Manaazil; and for the people of Yemen Yalamlam. And he ﷺ said: “And these mawaqeet are for the people who are residing at those places, and those who come through them wanting to perform Hajj or ‘Umrah. And whoever is living closer to al-Haraam than these places, enters into Ihram from his place of residence; even the people of Makkah; they would enter into Ihram from Makkah.” (Ag)

3 It means that his meeqat (Ihram site) should be at the same distance from Makkah as the closest of the original mawaqeet (Ihram sites) to him.

- 🕮 This is based on what Omar (may Allah be pleased with him) did when he assigned Dhat ‘Irq for the people of ‘Iraq; he said, “See what is parallel to

ولا يجوز لمن أراد دخول مكة تجاوز الميقات غير محرم إلا لقتـال مبـاح وحاجـة تتكـرر كالحطاب ونحوه.

It is not permissible for one who wants to enter into Makkah to pass the meeqat (ihram site) without entering into the state of ihram except for permissible fighting or a recurring need such as gathering firewood and similar cases.[1]

ثم إذا أراد النسك أحرم من موضعه

And if he intends the Nusuk (Hajj and/or ‘Umrah), he should enter the state of ihram from his place.[2]

Qarn from your side”, and since Dhat ‘Irq was at the same distance from the Ka’bah as Qarn and it was from their side, it was chosen.

🕒 This also means that he should do the same if he was traveling by air or sea. A few contemporary scholars allow for those who arrive in Jeddah by air to enter into the state of Ihram from Jeddah. The vast majority, however, would not allow that.

1 Passing by the meeqaat for any reason?

By consensus, he needs to enter the state of Ihram at the meeqat if he intends to perform Hajj or ‘Umrah and he does not need to make it if he is not going to Makkah but rather to Jeddah or Badr or some other place.

The case in the middle is when he passes through the meeqat intending to go to Makkah but not for Hajj or ‘Umrah, and that is one of two:

a) A frequent visitor, like business people and delivery people and so on; they do not need to enter the state of Ihram.

b) The disagreement within the madhhab is about the one who infrequently visits Makkah for reasons other than Hajj and ‘Umrah such as visiting family or friends. Imam Ibn Qudamah supports here that he must enter the state of Ihram and the second opinion is that he does not need to do so, and that is because the Prophet ﷺ said:

" فَهُنَّ لَهُنَّ وَلِمَنْ أتى عَلَيْهِنَّ من غَيْرِ أَهْلِهِنَّ مِمَّنْ أَرَادَ الحَجَّ وَالْعُمْرَةَ"

“And these meeqats are for the people who are residing at those places, and those who come through them <u>wanting to perform Hajj or ‘Umrah.</u>”

2 So, if the person who passed through the meeqat without Ihram, because he did not intend to perform Hajj or ‘Umrah, changed his mind and wanted to perform Hajj or ‘Umrah, he would enter the state of Ihram from wherever he is, and will not have to go back to any meeqat.

وإن جاوزه غير محرم رجع فأحرم من الميقات ولا دم عليه لأنه أحرم مـن ميقاتـه، فـإن أحرم من دونه فعليه دم سواء رجع إلى الميقات أو لم يرجع.

And if he crossed it without ihram[1], he should go back and enter the state of ihram from the meeqat, and no sacrifice of an animal is required of him. However, if he entered the state of ihram from a place closer [to al-Haram] than the meeqat, then an offering of an animal[2] is due on him, ❁ whether or not he goes back to the ihram site.

والأفضل أن لا يحرم قبل الميقات فإن فعل فهو محرم،

And it is better that he does not enter into ihram before the ihram site[3] and if he did, then he is in the state of ihram❁.

---

1 That is regarding the one who crosses the meeqat without Ihram while wanting to perform Hajj or 'Umrah.

2 A sheep, a goat or better still a camel or a cow.

3Follow the Sunnah; you will never precede the Prophet ﷺ to any good!

In this regard, read the following beautiful report from Imam Malik:

عن الإمام مالك رحمه الله ، أنه أتاه رجل فقال : يا أبا عبد الله ! من أين أحرم؟ قـال : مـن ذي الحليفـة ، مـن حيث أحرم رسول الله صلى الله عليه وسلم . فقال: إني أريد أن أحرم من المسجد من عند القبر. (يعنـي قـبر النبي صلى الله عليه وسلم) قال: " لا تفعل فإني أخشى عليك الفتنة ."

فقال: وأي فتنة في هذه؟! إنما هي أميال أزيدها . قال: وأي فتنة أعظم مـن أن تـرى أنـك سـبقت إلى فضـيلة قصر عنها رسول الله صلى الله عليه وسلم؟! إني سمعت الله يقول : (فَلْيَحْذَرِ الَّـذِينَ يُخَـالِفُونَ عَـنْ أَمْـرِهِ أَنْ تُصِيبَهُمْ فِتْنَةٌ أَوْ يُصِيبَهُمْ عَذَابٌ أَلِيمٌ) النور / ٦٣ .

A man came to Imam Malik, and said: "O Aba 'Abdi-Allah, from where should I enter into the state of Ihram?"
He said, "From Dhu'l-Hulayfah, from where the Messenger of Allah ﷺ made it." He said, "I want to enter the state of Ihram from the Masjid; from near the grave (of the Prophet ﷺ)." He said, "Do not do that, for I fear fitnah (trial, affliction) for you." He said, "What fitnah is that? I am just

وأشهر الحج شوال وذو القعدة وعشرة من ذي الحجة.

And the months of Hajj are Shawwal, ۞ Dhul-Qe'dah ۞ and the first ten days of Dhul-Hijjah.[1]

adding a few miles." He said, "What fitnah is greater than you thinking that you have gone first to something good that the Messenger of Allah failed to do! I heard that Allah the Almighty says: 'And let those who oppose his (the Prophet's) way beware, lest some Fitnah (disbelief, trials, afflictions) should befall them or a painful torment be inflicted on them'(al-Noor 24:63)." (Reported by al-Khateeb al-Baghdady and Abu Nu'aim in al-Hilyah.)

[1] (M): All of Dhul-Hijjah is of the months of Hajj, and that opinion seems to be accepted by many contemporary scholars who, therefore, allow deferring the tawaaf of ifadah (that is the main tawaaf of Hajj to be performed on the day of 'Eid) up to the end of Dhul-Hijjah.

باب الإحرام

The Chapter of Ihram[1]

من أراد الإحرام استحب له أن يغتسل ويتنظف ويتطيب.

He who wants to enter the state of ihram is recommended to perform ghusl (ritual bath)[2], clean himself[3], and apply perfume[4].

1 Ihram does not mean wearing the clothes of the state of Ihram, but rather, the intention to embark on the nusuk (Hajj/'Umrah) and if one does not wear the proper clothes, his Ihram is valid, but he will need to expiate for having committed a forbidden act during Ihram.

2 And that is because:

🕮 The Prophet ﷺ performed ghusl prior to his Ihram. (T, who graded it as hassan) and ordered Asma' bint 'Umays when she gave birth to Muhammad ibn Abi Bakr to perform ghusl and make Ihram. (D; Albani: Auth)

3 The scholars recommended cleaning oneself for Ihram by clipping the nails, shaving the pubic hair and plucking the armpit hair because they spent a long time from when they began their Ihram until they removed it. Now, it only takes a few days, but if one had long nails and untended body hair, they may clean themselves.

4 And that is because:

🕮 'Aishah (may Allah be pleased with her) said:

" كنت أُطَيِّبُ رَسُولَ اللهَّ صلى الله عليه وسلم لِإِحْرَامِهِ قبل أَنْ يُحْرِمَ وَلِحِلِّهِ قبل أَنْ يَطُوفَ بِالْبَيْتِ "

"I used to put perfume on the Messenger of Allah ﷺ for his Ihram before he entered it and when he removed it before he circumambulated the house." (Ag)

Therefore, applying perfume to the body is an act of the Sunnah. But, as for putting it on the garments of Ihram:

▤ the majority (H + M + A) forbid it

▤ (S) allows it, but considers it disliked.

🕮 The majority use the hadeeth in which the Prophet ﷺ prohibited clothes scented with saffron or turmeric. See the hadeeth here below.

🕮 There is another hadeeth in which the Prophet ﷺ said to a man who was wearing a cloak scented with perfume to remove it and wash off the remains of the scent. (Ag)

⚖ The majority position is supported by those proofs.

ويتجرد عن المخيط ويلبس إزاراً ورداء أبيضين نظيفين ثم يصلي ركعتين ويحرم عقيبهما، وهو أن ينوي الإحرام.

And he must abstain from fitted sewn clothes[1] and should wear an izaar (lower unsewn garment) and a redaa' (upper unsewn garment)[2] which are white[3] and clean and then pray two rak'ats[1] and enter the state of ihram immediately after them, and that is to intend to enter the state of ihram.

---

1 What is forbidden for a Muhrim to wear?

The word "makheet = sewn" that is used by jurists was not mentioned by the Prophet ﷺ but was deduced from the prohibited clothing as reported in the following hadeeth when the Prophet ﷺ was asked what one could wear in the state of Ihram,

📖 He ﷺ said:

" لَا يَلْبَسُ الْمُحْرِمُ الْقَمِيصَ ولا الْعِمَامَةَ ولا الْبُرْنُسَ ولا السَّرَاوِيلَ ولا ثَوْبًا مَسَّهُ وَرْسٌ ولا زَعْفَرَانٌ ولا الْخُفَّيْنِ إلا أَنْ لَا يَجِدَ نَعْلَيْنِ فَلْيَقْطَعْهُمَا حتى يَكُونَا أَسْفَلَ من الْكَعْبَيْنِ "

"Al-Muhrim (one in a state of Ihram) should not wear a long shirt (qamees), a turban, a hooded robe (burnous), trousers, a garment scented by Turmeric (*Curcuma longa*) or saffron (*Crocus sativus*) or leather socks (khuff) except for one who does not find sandals; he may wear leather socks and cut them, so they are below his ankles."(Ag).

📖 In a different report, he ﷺ said that one who does not find an izaar (lower garment), may wear trousers.

Based on these prohibitions, the scholars deduced that the Muhrim may not wear fitted sewn clothes (makheet). This does not mean clothes that have stitches, for it is permissible to wear a redaa' (mantle or upper garment) with stitching, but it is not permissible to wear a shirt that is woven without stitches.

▤ It is controversial whether or not a person may wear a belt. Some of the Salaf were strictly opposed to it.

🕒However, wearing a waist pouch for the protection of one's money and belongings is allowed by the majority of contemporary scholars, including Sh. Ibn Baz (may Allah bestow mercy on him).

2 For the Prophet ﷺ said:

" ولْيُحْرِم أحدكم في إزار ورِدَاء ونَعْلَيْن"

"Enter into the state of Ihram while wearing izaar, redaa' and sandals." (reported by Ahmad and authenticated by Ahmad Shakir.)

3 That is because:

ويستحب أن ينطق بها أحرم به، ويشترط ويقول اللهـم إني أريـد النسـك الفـلاني فـإن حبسني حابس فمحلي حيث حبستني،

And it is recommended that he speaks of his intention for ihram[2] and make a condition, and say: "O Allah I intend this particular nusuk ('Umrah and/or Hajj) so if something prevents me [from completing my nusuk], then the place of the termination of my ihram is where You made me unable to proceed.[3]

📖 The Prophet ﷺ said:

"الْبَسُوا من ثِيَابِكُمْ الْبَيَاضَ فَإِنَّهَا خَيْرِ ثِيَابِكُمْ وَكَفِّنُوا فيها مَوْتَاكُمْ"

"Wear of your clothes the white ones, for they are your best clothes, and shroud your dead in them." (D; Albani: Auth.)

1 That is because:

📖 Abdullah ibn Omar reported that the Prophet ﷺ – while in al-'Aqeeq - said:

"أَتَانِي اللَّيْلَةَ آتٍ من رَبِّي فقال صَلِّ في هذا الْوَادِي الْمُبَارَكِ وَقُلْ عُمْرَةً في حَجَّةٍ"

"A messenger from my Lord came to me tonight, and said, "Pray in this blessed valley and say, (I intend) Hajj and 'Umrah." (B).

Praying two rak'ats for "sunnatul Ihram" is the opinion of the majority, but doing so is not mandatory.

2 And that is for the hadeeth of Ibn Omar here above. (see: 1)

☞ This is one of two acts of worship where the intention is uttered by the tongue; the other is when slaughtering a sacrifice. There are no authentic reports indicating that the intention is uttered by the tongue for other acts of worship.

3 That is because:

📖 when the Prophet ﷺ was told by Duba'ah bint az-Zubair (the Prophet's cousin) that she wanted to perform Hajj, but fears, because of her sickness, that she will not be able to complete it, he ﷺ said to her:

" حُجِّي وَاشْتَرِطِي وَقُولِي اللهم مَحِلِّي حَيْثُ حَبَسْتَنِي"

"Go and perform Hajj and make a condition and say, "O Allah, my place of exiting from Ihram is where You prevent me from proceeding."

That is recommended to avoid the expiation of an unfulfilled Hajj that will be discussed later.

[Forms of Hajj and Umrah]

وهو مخير بين التمتع والإفراد والقران، وأفضلها التمتع ثم الإفراد، ثم القران.

And he is given the choice between tamattu', ifrad or qiran, and the best is tamattu'[1], then ifrad and then qiran.

والتمتع أن يحرم بالعمرة في أشهر الحج ويفرغ منها ثم يحرم بالحج في عامه.

And tamattu'[2] is to make ihram for 'Umrah during the months of Hajj and finish it, and then enter into the state of ihram for Hajj during the same year.

1 And that is because of the following report:

"عن جَابِرُ بن عبد اللهَّ الْأَنْصَارِيُّ رضي الله عنهما أَنَّهُ حَجَّ مع رسول اللهَّ صلى الله عليه وسلم عَامَ سَاقَ الْهَـدْيَ معه وقد أَهَلُّوا بِالْحَجِّ مُفْرَدًا فقال رسول اللهَّ صلى الله عليه وسلم أَحِلُّوا من إِحْرَامِكُمْ فَطُوفُوا بِالْبَيْـتِ وَبَـيْنَ الصَّفَا وَالْمَرْوَةِ وَقَصِّرُوا وَأَقِيمُوا حَلَالًا حتى إذا كان يَوْمُ التَّرْوِيَةِ فَأَهِلُّوا بِالْحَجِّ وَاجْعَلُوا التي قَدِمْتُمْ بهـا مُتْعَـةً قالوا كَيْفَ نَجْعَلُهَا مُتْعَةً وقد سَمَّيْنَا الْحَجَّ قال افْعَلُوا ما آمُرُكُمْ بِهِ فَإِنِّي لَوْلَا أَنِّي سُقْتُ الْهَدْيَ لَفَعَلْتُ مِثْلَ الذي أَمَرْتُكُمْ بِهِ"

Jabir Ibn Abdillah al-Ansari reported that they performed Hajj with the messenger of Allah ﷺ during the year when he brought his Hady (sacrifices) with him. They made the intention to perform Hajj alone, and then the Messenger of Allah ﷺ said, "Exit from your Ihram, circumambulate the house and go between al-Safa and al-Marwah and shorten (your hair) and stay in Makkah without Ihram until the day of at-Tarweyah (storing water) [that is the 8th of dhul-Hijjah]. Then, begin Ihram for Hajj, and make the one you came with a mut'ah (enjoying what is forbidden during Ihram). [This means to make the Ihram for Hajj you initially intended when you began Ihram for 'Umrah, which will allow you to enjoy the things that were forbidden in Ihram after you finish your 'Umrah and before you begin another Ihram for Hajj]." They said, "How do we make it mut'ah when we intended Hajj?" He ﷺ said, "Do what I command you for had it not been that I brought the sacrifices with me, I would have done what I command you to do." (Ag)

The four imams agree that any one of the three forms of Hajj is acceptable, and the command/obligation to make tamattu' was for the companions only. This is based on other reports.

2 It is called tamattu' (enjoyment) because you will enjoy the acts that were forbidden while in a state of Ihram between the end of 'Umrah and the beginning of Hajj.

والإفراد أن يحرم بالحج وحده.

And Ifrad[1] is to make ihram for Hajj alone.

والقران أن يحرم بهما أو يحرم بالعمرة ثم يدخل عليها الحج،

And Qiran[2] is to make ihram for both Hajj and 'Umrah or for 'Umrah and then add Hajj to it.

ولو أحرم بالحج ثم أدخل عليه العمرة لم ينعقد إحرامه بالعمرة،

And if he made ihram for Hajj and then added to it 'Umrah, his ihram for 'Umrah does not become valid.[3]

[Talbeyah]

فإذا استوى على راحلته لبى فقال: لبيك اللهم لبيك، لبيك لا شريك لك لبيك، إن الحمد والنعمة لك والملك لا شريك لك.

And once he is upon his mount, he should make talbeyah[4] and [that is to] say: "Labbayka Allahumma labbayk, labbayka laa shareeka laka labbayk. Inna al-hamd wa'l-ni'mata laka wa'l-mulk, laa shareeka lak (Here I am, O Allah, here I am. Here I am, You have no partner, here I am. Verily all praise and blessings are Yours, and all sovereignty. You have no partner)."[5] ❁

---

1 Ifrad means to single out, because you will be making Ihram for a single nusuk (Hajj)
2 Qiran means simultaneously combining.
3 According to the popular opinion in the Hanbali school of thought.
4 (A + S): recommended (M): Mandatory (H): Mandatory or conditional.
5 That is because 🕮 of the following report:

"عن عبد اللهَّ بن عُمَرَ رضي الله عنهما أَنَّ تَلْبِيَةَ رسول اللهَّ صلى الله عليه وسلم لَبَّيْكَ اللهم لَبَّيْكَ لَبَّيْكَ لَا شَرِيكَ لك لَبَّيْكَ إِنَّ الْحَمْدَ وَالنِّعْمَةَ لك وَالْمُلْكَ لَا شَرِيكَ لك"

ويستحب الإكثار منها ورفع الصوت بها لغير النساء، وهي آكد فيها إذا علا نشزاً أو هبط وادياً أو سمع ملبياً أو فعل محظوراً ناسياً أو لقي ركباً، وفي أدبار الصلاة المكتوبة وبالأسحار، وإقبال الليل والنهار.

It is recommended to do it (talbeyah) frequently, and to raise the voice while saying it[1] for men only. ❁

And it is more emphasized when they:

a) go up a hill or down into a valley
b) or hear someone saying it
c) or do a thing that is unlawful during ihram
d) or meet a group on their mounts
e) and after the mandatory prayers
f) and in as-Sahar (pre-dawn)
g) and during the approach and departure of the night and day.[2]

Ibn Omar said that the talbeyah of the messenger of Allah ﷺ was: "Here I am, O Allah, here I am. Here I am, You have no partner. here I am. Verily all praise and blessings are Yours, and all sovereignty. You have no partner." (Ag)

1 That is because:

📖 the Prophet ﷺ said:

" أَتَانِي جِبْرِيلُ صلى الله عليه وسلم فَأَمَرَنِي أَنْ آمُرَ أَصْحَابِي وَمَنْ مَعِي أَنْ يَرْفَعُوا أَصْوَاتَهُمْ بِالْإِهْلَالِ و بِالتَّلْبِيَةِ"

"Jibreel came to me and commanded me to order my companions to raise their voices with ihlal (saying, here I intend for you, my Lord a Hajj/'Umrah) and with talbeyah." (D, H, Kh; Albani: Auth)

2 All these positions, in addition to riding your mount, are sanctioned based on some proofs;

📖 (B&M) reported that the Prophet ﷺ said:

"كَأَنِّي أَنْظُرُ إليه إِذْ انْحَدَرَ فِي الْوَادِي يُلَبِّي"

"It is as if I see him [Moses] coming down the hill making talbeyah."

📖 There is also a report narrated by Ibn 'Asakir:

باب محظورات الإحرام

Chapter of the Unlawful Things during Ihram

وهي تسعة:

There are nine:

الأول والثاني: حلق الشعر وقلم الظفر، ففي ثلاثة منها دم، وفي كل واحد مما دونه مد طعام وهو ربع الصاع. وإن خرج في عينه شعر فقلعه، أو نزل شعره فغطى عينه، أو انكسر ظفره فقصه فلا شئ عليه.

The first and second: shaving the hair and clipping the nails and if he does that to three [hairs or nails], then a sacrifice of an animal is due upon him, and if less, then for each one a mudd (two hands full = 0.5 kg or slightly more) of food is due on him.

And if hair grew into his eye and he plucked it or his hair grew down and covered his eyes or his nail broke and he clipped it, then nothing is required of him.[1]

"أن رسول الله – صلى الله عليه و سلم – كان يلبي إذا لقي راكباً أو علا أكمه أو هبط وادياً وفي أدبار الصلوات المكتوبة ومن آخر الليل"

"The Messenger of Allah ﷺ used to make talbeyah when he met a person riding on his mount, ascended a hill or walked down into a valley, after the mandatory prayers and at the end of the night."

1And that is by consensus for the hair of the scalp,

📖 for Allah the Almighty says:

" وَلاَ تَحْلِقُواْ رُؤُوسَكُمْ حَتَّى يَبْلُغَ الْهَدْيُ مَحِلَّهُ ..."

"and do not shave your heads until the Hady reaches the place of sacrifice..."(Al-Baqarah 2:196)

Clipping the nails was given the ruling of shaving the hair because:

الثالث: لبس المخيط إلا أن لا يجد إزاراً فيلبس سراويل أو لا يجد نعلين فيلـبس خفـين ولا فدية عليه.

Third: is wearing fitted sewn clothes ❁ except if he does not find a lower garment. In this case, he may wear trousers and if he does not find sandals, he may wear leather socks and there shall be no expiation due on him.[1]

الرابع: تغطية الرأس، والأذنان منه.

Fourth: covering the head ❁ and the ears are part of it.

الخامس: الطيب في بدنه وثيابه.

Fifth: applying perfume to his body or clothes. ❁

السادس: قتل الصيد، وهو ما كان وحشياً مباحاً، وأما الأهـلي فـلا يحـرم، وأمـا صـيد البحر فإنه مباح.

Sixth: killing game animals. These are wild and permissible (to hunt) but it is not forbidden to kill domestic animals for food and water-game is permissible.[2] ❁

📖 of the similarity between them and
📖 for Ibn 'Abbas's interpretation of the saying of Allah the Almighty:

"ثُمَّ لْيَقْضُوا تَفَثَهُمْ"

"Then let them make an end of their unkemptness" (Quran, translation by Picktal, al-Hajj 22:29)

The word 'tafath' in this verse was interpreted by Ibn 'Abbaas to mean long hair and nails that will be shaved and clipped respectively amongst other things. (Tafseer at-Tabari)

▤ The four imams consider the clipping of nails to be one of the forbidden acts of Ihram,
▤ while (Z) disagreed.

1 See: 1
2 And that is based on

السابع: عقد النكاح حرام ولا فدية فيه.

📖 the following verse:

" أُحِلَّ لَكُمْ صَيْدُ الْبَحْرِ وَطَعَامُهُ مَتَاعًا لَّكُمْ وَلِلسَّيَّارَةِ وَحُرِّمَ عَلَيْكُمْ صَيْدُ الْبَرِّ مَا دُمْتُمْ حُرُمًا وَاتَّقُواْ اللهَّ الَّـذِي إِلَيْهِ تُحْشَرُونَ "

> "Lawful to you is (the pursuit of) water game and its use for food - for the benefit of yourselves and those who travel, but forbidden is (the pursuit of) land game as long as you are in a state of Ihram (for Hajj or Umrah). And fear Allah to Whom you shall be gathered back." (al-Mai`dah 5:96)

▤ The muhrim may not even eat from the game if it was hunted for him, at his command or with his assistance.

📖 This is based on the following report:

"عن ابن أبي قَتَادَةَ – رضي الله عنه – قال خَرَجَ رسول اللهَّ – صلى الله عليه وسلم – حَاجًّا وَخَرَجْنَا معه قـال فَصَرَفَ من أَصْحَابِهِ فِيهِمْ أبو قَتَادَةَ فقال خُذُوا سَاحِلَ الْبَحْرِ حتى تَلْقَـوْنِي قـال فَأَخَـذُوا سَـاحِلَ الْبَحْـرِ فلـما انْصَرَفُوا قِبَلَ رسول اللهَّ صلى الله عليه وسلم أَحْرَمُوا كلهم إلا أَبَا قَتَادَةَ فإنه لم يُحْرِمْ فَبَيْنَمَا هُمْ يَسِيرُونَ إِذْ رَأَوْا حُمُرَ وَحْشٍ فَحَمَلَ عليها أبو قَتَادَةَ فَعَقَرَ منها أَتَانًا فَنَزَلُوا فَأَكَلُوا من لَحْمِهَا قال فَقَالُوا أَكَلْنَا لَحْمًا وَنَحْنُ مُحْرِمُـونَ قال فَحَمَلُوا ما بَقِيَ من لَحْمِ الْأَتَانِ فلما أَتَوْا رَسُولَ اللهَّ صلى الله عليه وسلم قالوا يا رَسُولَ اللهَّ إِنَّا كنا أَحْرَمْنَـا وكان أبو قَتَادَةَ لم يُحْرِمْ فَرَأَيْنَا حُمُرَ وَحْشٍ فَحَمَلَ عليها أبو قَتَادَةَ فَعَقَرَ منها أَتَانًا فَنَزَلْنَا فَأَكَلْنَـا مـن لَحْمِهَـا فَقُلْنَـا نَأْكُلُ لَحْمَ صَيْدٍ وَنَحْنُ مُحْرِمُونَ فَحَمَلْنَا ما بَقِيَ من لَحْمِهَا فقال هل مِنْكُمْ أَحَـدٌ أَمَـرَهُ أو أَشَـارَ إليـه بِشَيْءٍ قـال قالوا لَا قال فَكُلُوا ما بَقِيَ من لَحْمِهَا"

> The son of Abu Qatadah reported from his father that the Prophet ﷺ went out to perform Hajj and we went with him. The Prophet ﷺ then sent a group, including Abu Qatadah, and told them: "Follow the seashore until we meet again." All of them, except Abu Qatadah, then entered into the state of Ihram. On the way, they saw a herd of zebras. Abu Qatadah attacked them and killed a female zebra. They all ate from its meat, but said: "We ate meat [of land game] while in the state of Ihram!" Then they carried the rest of the meat to the Prophet ﷺ, and said to him, "O Messenger of Allah we had entered into the state of Ihram and Abu Qatadah had not yet done so, and we saw a herd of zebras…". The Prophet ﷺ said to them: "Did any of you ask Abu Qatadah to attack the herd, or point it out to him?" They said: "No." He ﷺ said, "Then, you may eat what is left of the meat." (Ag)

Seventh: Marriage is forbidden[1], yet, there is no expiation due for it.

الثامن: المباشرة لشهوة فيما دون الفرج، فإن أنزل بها فعليه بدنة، وإلا ففيها شاة وحجه صحيح.

Lustful touching of parts other than the genitalia, and if he ejaculated (semen) as a result of that, the offering of a camel is due on him. Otherwise (if he did not ejaculate), a sheep is due and--- his Hajj is valid. ❁

التاسع: الوطء في الفرج فإن كان قبل التحلل الأول فسد الحج ووجب المضي في فاسده والحج من قابل، ويجب على المجامع بدنة، وإن كان بعد التحلل الأول ففيه شاة، ويحرم من التنعيم ليطوف محرماً.

ninth: Intercourse, ❁ and if it was before the first tahallul (exiting from the state of ihram), his Hajj is invalid ❁ and he must complete it ❁ (even though it is invalid) and perform Hajj the following year ❁ and the offering of a camel is due on the one who had intercourse. ❁ Also, if it was after the first tahallul, a sheep is due and he must enter ihram from at-Tan'eem so that he will be in a state of ihram when he performs tawaaf.[2]

---

1 And that is based on
📖 the saying of the Prophet ﷺ:

" لَا يَنْكِحُ الْمُحْرِمُ ولا يُنْكَحُ ولا يَخْطُبُ"

"The Muhrim (one in a state of Ihram) shall not marry or conduct the marriage contract on behalf of or for someone else or propose marriage." (M)

2 There is consensus of the scholars that having intercourse during Hajj is a sin and that it spoils the Hajj. ❁
📖 This is based on the saying of Allah the Almighty:

" الْحَجُّ أَشْهُرٌ مَّعْلُومَاتٌ فَمَن فَرَضَ فِيهِنَّ الْحَجَّ فَلاَ رَفَثَ وَلاَ فُسُوقَ وَلاَ جِدَالَ فِي الْحَجِّ"

"The Hajj (pilgrimage) is (in) the well-known (lunar year) months (the 10th month, the 11th month and the first ten days of the 12th month of the Islamic calendar, meaning, two months and ten days). Therefore, whosoever intends to perform Hajj

وإن وطئ في العمرة أفسدها ولا يفسد النسك بغيره،

And if he had intercourse during ‘Umrah, he spoils it ۞ and nothing other than it would spoil the nusuk (Hajj/’Umrah).

والمرأة كالرجل، إلا أن إحرامها في وجهها، ولها لبس المخيط.

And the ruling for the woman is like that of the man except that her ihram pertains only to her face and she may wear sewn clothes.

therein by assuming Ihram), should not have sexual relations (with his wife), nor commit sin, nor dispute unjustly during the Hajj.” (al-Baqarah 2:197)

باب الفدية

Chapter of Expiation

وهي على ضربين:

And it is of two types:

أحدهما: على التخيير، وهي فدية الأذى واللبس والطيب، فله الخيار بين صيام ثلاثة أيام، أو طعام ثلاثة آصع من تمر لستة مساكين، أو ذبح شاة.

One of them is up to one's choice, and that is the expiation for adha (harm leading to shaving the hair) and wearing sewn clothes and perfume. The person will have a choice between fasting three days, feeding three (sa')s of dates to six poor individuals or slaughtering a sheep or goat.[1]

1 That is because

📖 Allah the Almighty says,

" وَلاَ تَحْلِقُواْ رُؤُوسَكُمْ حَتَّى يَبْلُغَ الْهَدْيُ مَحِلَّهُ فَمَن كَانَ مِنكُم مَّرِيضاً أَوْ بِهِ أَذًى مِّن رَّأْسِهِ فَفِدْيَةٌ مِّن صِيَامٍ أَوْ صَدَقَةٍ أَوْ نُسُكٍ"

"and do not shave your heads until the Hady reaches the place of sacrifice. And whosoever of you is ill or has an ailment in his scalp (necessitating shaving), he must pay a Fidyah (ransom) of either observing Saum (fasts) (three days) or giving Sadaqah (charity - feeding six poor persons) or offering a sacrifice (one sheep)."(Al-Baqarah 2:196)

📖 In the following report, the expiation is further clarified:

"عن كَعْبِ بن عُجْرَةَ: حُمِلْتُ إلى رسول اللهَّ صلى الله عليه وسلم وَالْقَمْلُ يَتَنَاثَرُ على وَجْهِي فقال ما كنت أُرَى الْوَجَعَ بَلَغَ بِكَ ما أَرَى أو ما كنت أُرَى الْجَهْدَ بَلَغَ بِكَ ما أَرَى تَجِدُ شَاةً فقلت لَا فقال فَصُمْ ثَلَاثَةَ أَيَّامٍ أو أَطْعِمْ سِتَّةَ مَسَاكِينَ لِكُلِّ مِسْكِينٍ نِصْفَ صَاعٍ"

"Ka'b ibn 'Ujrah said: I was carried to the Messenger of Allah while lice were bouncing on my face. He said, "I did not think that you were in this much pain and under this much hardship; do you have a sheep or a goat? I said, "No". He ﷺ said, "Then,

وجزاء الصيد مثل ما قتل من النعم.

And the expiation for killing game animals is a domestic one that is equal to the wild one that he killed.

إلا الطائر فإن فيه قيمته. إلا الحمامة ففيها شاة، والنعامة فيها بدنة، ويتخير بين إخراج المثل وتقويمه بطعام، فيطعم كل مسكين مداً أو يصوم عن كل مد يوماً.

except for birds, then its value would be due except for pigeons; a sheep or a goat is due and for ostriches, a camel is due and he would be given the choice of sacrificing an equal domestic animal or to give its value in food, and feeding therewith a mudd to every poor individual or fasting a day in place of every mudd he had to give away.[1]

الضرب الثاني: على الترتيب، وهو المتمتع يلزمه شاة، فإن لم يجد فصيام ثلاثة أيام في الحج وسبعة إذا رجع.

The second type is when the sequence must be followed, and that is for the person who is performing tamattu', he must sacrifice a sheep or a goat,

fast three days or feed six poor individuals; for each one half a sa' [sa' = 2.1 Kg] (Ag)

1 That is based on
📖 the following verse:

" يَا أَيُّهَا الَّذِينَ آمَنُواْ لاَ تَقْتُلُواْ الصَّيْدَ وَأَنتُمْ حُرُمٌ وَمَن قَتَلَهُ مِنكُم مُّتَعَمِّدًا فَجَزَاءٌ مِّثْلُ مَا قَتَلَ مِنَ النَّعَمِ يَحْكُمُ بِهِ ذَوَا عَدْلٍ مِّنكُمْ هَدْيًا بَالِغَ الْكَعْبَةِ أَوْ كَفَّارَةٌ طَعَامُ مَسَاكِينَ أَوْ عَدْلُ ذَلِكَ صِيَامًا... "

"O you who believe! Kill not game while you are in a state of Ihram for Hajj or Umrah (pilgrimage), and whosoever of you kills it intentionally, the penalty is an offering, brought to the Kabah, of an eatable animal (sheep, goat, cow, and so on) equivalent to the one he killed, as judged by two just men among you; or, for expiation, he should feed Masakin (poor persons), or its equivalent in Saum (fasting)." (al-Mai`dah 5:95)

and if he did not find, then he must fast three days in Hajj and seven when he returns (to his homeland).[1]

وفدية الجماع بدنة، فإن لم يجد فصيام كصيام المتمتع.

And for the one who had intercourse, he must sacrifice a camel, and if he could not afford it, he must fast like the one making tamattu'.[2]

وكذلك الحكم في دم الفوات،

The ruling is the same for the sacrifice of fawat (missing the Hajj).[3]

والمحصر يلزمه دم، فإن لم يجد فصيام عشرة أيام،

---

1 That is based on
📖 the following verse:

" ...فَمَن تَمَتَّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ فَمَن لَّمْ يَجِدْ فَصِيَامُ ثَلاثَةِ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةٍ إِذَا رَجَعْتُمْ تِلْكَ عَشَرَةٌ كَامِلَةٌ ذَلِكَ لِمَن لَّمْ يَكُنْ أَهْلُهُ حَاضِرِي الْمَسْجِدِ الْحَرَامِ"

"…and whosoever performs Umrah in the months of Hajj, before (performing) Hajj, (Hajj-at-Tamattu and Al-Qiran), he must slaughter a Hady such as he can afford, but if he cannot afford it, he should observe Saum (fasts) three days during the Hajj and seven days after his return (to his home), making ten days in all. This is for him whose family is not present at Al-Masjid-al-Haraam (i.e. non-resident of Makkah)." (al-Baqarah 2:196)

2 Had intercourse before the first tahallul!

As for one who had intercourse before the first tahallul (exiting from Ihram), he is required to:

1. finish his spoiled Hajj
2. perform another Hajj the following year
3. slaughter a camel

📖 All three have been reported from Ibn 'Abbas and Ibn Omar and uncontested by any companions, thus it is their consensus.

And as for one who had intercourse after the first tahallul, he will have to:

1. Slaughter a sheep/goat
2. Go back to the meeqaat for a new Ihram, to be able to continue the rites, since his Ihram is spoiled

However, his Hajj is not spoiled nor does he need to make it up.

3 By reaching there late and not standing at 'Arafah for any portion of the day or night. This is based on 'Omar's fatwa to a man called Habbaar ibn al-Aswad. (Ba).

And for the person who is prevented from proceeding (muhsar), he must sacrifice an animal, and if he could not afford it, he must fast ten days.[1]

ومن كرر محظوراً من جنس غير قتل الصيد فكفارة واحدة، فـإن كفـر عـن الأول قبـل فعل الثاني سقط حكم ما كفر عنه.

And for the person who does a forbidden act more than once aside from killing game animals, then one expiation is due, so if he expiated for the first forbidden act before committing the second, the ruling pertaining to the first becomes void.

وإن فعل محظوراً من أجناس فلكل واحدة كفارة.

And if he committed more than one forbidden act - of different types - then an expiation is due for each one.

[Doing an Ihram prohibition absent-mindedly]

والحلق والتقليم والوطء وقتل الصيد يستوي عمده وسهوه،

1 For Allah the Almighty says,

" وَأَتِمُّواْ الْحَجَّ وَالْعُمْرَةَ للهِّ فَإِنْ أُحْصِرْتُمْ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ وَلاَ تَحْلِقُواْ رُؤُوسَكُمْ حَتَّى يَبْلُغَ الْهَدْيُ مَحِلَّهُ..."

"And perform properly (all the ceremonies according to the ways of Prophet Muhammad ﷺ, the Hajj and Umrah (the pilgrimage to Makkah) for Allah the Almighty. However, if you are prevented (from completing them), sacrifice a Hady (animal, meaning, a sheep, a cow, or a camel, and so on) such as you can afford, and do not shave your heads until the Hady reaches the place of sacrifice..." (al-Baqarah 2:196).

Notice that there is no mention of fasting in the verse, however, many jurists prescribed it by analogy with the one about making tamattu' for the person who cannot afford to slaughter.

Being prevented (ihsaar) could be according to (H + a + T) for any reason that prevents one from proceeding, such as an enemy – by consensus - sickness or simply not having the means to proceed.

Shaving, clipping the nails, having intercourse and killing game animals, are equal whether they are done intentionally or absentmindedly.[1]

وسائر المحظورات لا شئ في سهوه.

There is nothing due in the case of forgetfulness for the rest of the forbidden acts.

[Where should one expiate]

وكل هدي أو إطعام. فهو لمساكين الحرم إلا فدية الأذى فإنه يفرقها في الموضع الذي حلق به، وهدي المحصر ينحره في موضعه.

And every sacrifice or feeding must be for the poor individuals of the haraam except for the expiation for adha (shaving or clipping of nails); he must pass it out in the place where he shaved. And the sacrifice of the muhsar (one prevented from proceeding), must be slaughtered in the place where he is.

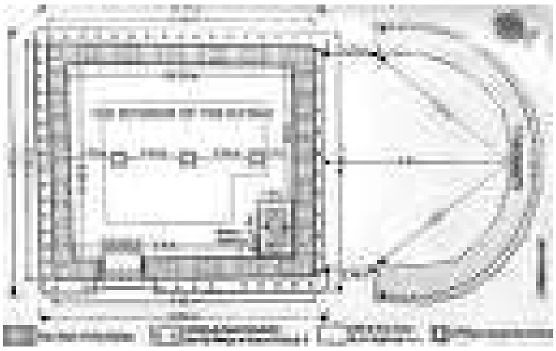
وأما الصيام فيجزئه بكل مكان.

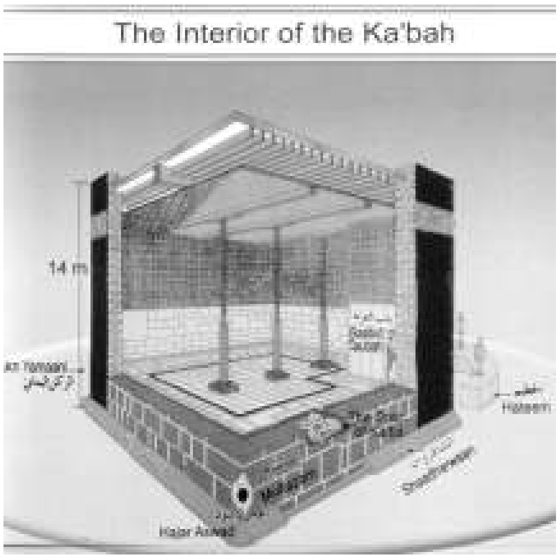
He can fast in any place.

(1) That is the popular position of the madhhab and there is another position (a + Ishaaq + Ibn al-Mundhir) that forgetfulness is an excuse. The latter position is strong and it agrees with the general principle of exempting those who forget or err when such errors pertain to the rights of Allah the Almighty. The exception here would be intercourse for the vast majority would not differentiate between having intercourse intentionally or absentmindedly. Some indicate that it is impossible to do it absentmindedly. (Allah knows best.)

باب دخول مكة

Chapter of Entering Makkah





يستحب أن يدخل مكة من أعلاها،

It is preferable that he enters Makkah from the northern side.[1]

ويدخل المسجد من باب بني شيبة لأن النبي صلى الله عليه وسلم دخل منه.

And that he enters the masjid from the gate of Abi Shaybah, since the Prophet ﷺ entered from there.

فإذا رأى البيت رفع يديه وكبر الله وحمده ودعا،

And once he sees the house (Ka'bah), he raises his hands and says 'Allahu Akbar' and praises Allah the Almighty and supplicates.

[First Tawaaf]

ثم يبتدئ بطواف العمرة إن كان معتمراً، أو بطواف القدوم إن كان مفرداً أو قارناً،

And then he starts with the circumambulation of the 'Umrah (if he was performing 'Umrah) or the circumambulation of the arrival (tawaaf al-qudoom) if he was performing ifraad (Hajj alone) or qiraan (Hajj and 'Umrah simultaneously.)

فيضطبع بردائه فيجعل وسطه تحت عاتقه الأيمن وطرفيه على عاتقه الأيسر،

1 That is because
📖 Ibn 'Omar said,

"أَنَّ رَسُولَ اللهَّ صلى الله عليه وسلم كان يَخْرُجُ من طَرِيقِ الشَّجَرَةِ وَيَدْخُلُ من طَرِيقِ الْمُعَرَّسِ وإذا دخل مَكَّـةَ دخل من الثَّنِيَّةِ الْعُلْيَا وَيَخْرُجُ من الثَّنِيَّةِ السُّفْلَى."

"The Messenger of Allah used to leave al-Madeenah from the route of ash-Shajarah (tree) and enter it from the route of al-Mu'arras (rest area). [Ibn Hajar said that both are about six miles from al-Madeenah, with the second being closer]. And when he ﷺ entered Makkah, he did so from ath-Thaneyah al-'Ulya (the route of the northern steep heights) and would leave from ath-Thaneyah as-Sufla (the route of the southern steep heights)." (B)

He makes idtiba’ with his upper garment and puts the middle of it underneath his right shoulder and the two ends over his left shoulder.[1]

ويبدأ بالحجر الأسود فيستلمه ويقبله ويقول: بسم الله والله أكبر، اللهم إيماناً بك وتصديقاً بكتابك ووفاء بعهدك واتباعاً لسنة نبيك محمد صلى الله عليه وسلم.

And he starts at the black stone and places his hand on it ۞ and kisses it[2] ۞ and says: (Bismillah[3] and Allahu Akbar[4]; O Allah, out of faith in You and to show belief in Your book, fulfill Your covenant and follow the Sunnah of Your prophet, Muhammad ﷺ.”[5]

ثم يأخذ عن يمينه ويجعل البيت عن يساره، فيطوف سبعاً يرمل في الثلاثة الأول من الحجر إلى الحجر، ويمشي في الأربعة الأخر،

---

1 Idtiba’ (uncovering the right shoulder)

Idtiba’ was reported by (A+D+T+N+Ma; T: Auth.).

The stronger position is that ramal (brisk-walking with short steps) and idtiba’ (uncovering the right shoulder) are only prescribed in the first tawaaf made when you arrive in Makkah.

Ibn ‘Abbas (may Allah be pleased with them) said that the Prophet ﷺ did not walk briskly in the seven rounds of tawaaf al-ifaadah. (A+D+N+Ma; H:Auth. and Ibn Hajar agreed).

An-Nawawi reported in al-Majmoo’ the consensus that brisk walking with short steps and uncovering the right shoulder are always combined with one exception, which is that you walk briskly for only three rounds, while you uncover the right shoulder in all the seven rounds of the first tawaaf .

? The Prophet ﷺ commanded his companions to do both in order to show their strength to Quraish because they were mocking the companions and saying that they had been weakened by the atmosphere of al-Madeenah to make tawaaf. (As reported by B from Ibn ‘Abbas).

2 For Jabir said in his long hadeeth that the Prophet ﷺ started with the black stone. (M). See also: 2

3 Reported by (Ba) from the action of Ibn ‘Omar; authenticated by Ibn Hajar.

4 Reported from the Prophet ﷺ; see: 2

5 Aside from Bismillah and Allahu Akbar, the remainder of the supplication is reported through a weak chain.

And then he moves to his right and keeps the house (ka'bah) on his left ۞ and circumambulates seven times, making ramal (brisk walking with short steps) in the first three rounds with each round starting and ending from the stone. And he walks in the last four rounds.[1]

وكلما حاذى الركن اليماني والحجر استلمهما وكبر وهلل،

Whenever he is in line with the Yemeni corner or the stone, he places his hand on them ۞ and says 'Allahu Akbar' and makes tahleel (by saying la ilaha illa Allah, which means there is no God but Allah).[2]

---

1 That is because
- Jabir ﷺ said in his long hadeeth:

"" حتى إذا أَتَيْنَا الْبَيْتَ معه اسْتَلَمَ الرُّكْنَ فَرَمَلَ ثَلَاثًا وَمَشَى أَرْبَعًا"

"When we came with him to the House, he touched the pillar [Black Stone] and (made seven rounds) hastening with brisk short steps in the first three and walking in the last four." (M) see the entire hadeeth: 1

2 Touching the two Yemeni (southern) corners only
- For the following reports,

"عن سَالِمِ بن عبد اللَّهِ عن أبيه رضي الله عنهما قال لم أَرَ النبي صلى الله عليه وسلم يَسْتَلِمُ من الْبَيْتِ إلا الرُّكْنَيْنِ الْيَمَانِيَيْنِ"

"Abdullah Ibn 'Omar said, I have not seen the Prophet ﷺ touch/place his hand on any part of the house (Ka'bah) except the two Yemeni pillars." (B).

The black stone and the Yemeni pillar are both on the southern limb, thus Yemeni.
- There is no report that he ﷺ kissed the Yemeni pillar, but he did kiss the Black Stone,

" سَأَلَ رَجُلٌ بن عُمَرَ رضي الله عنهما عن اسْتِلَامِ الْحَجَرِ فقال رأيت رَسُولَ اللَّهِ صلى الله عليه وسلم يَسْتَلِمُهُ وَيُقَبِّلُهُ"

"A man asked Ibn 'Omar about touching the Black Stone, and he said, I saw the Messenger of Allah touch it and kiss it." (B).
- There is a report in (M) that he touched it with a stick and kissed the stick.
- When he was farther away from the house, there are reports that he pointed to the Black Stone; but there are no authentic reports about pointing to the Yemeni pillar,

ويقول بين الركنين: ربنا آتنا في الدنيا حسنة وفي الآخرة حسنة وقنا عذاب النار

And he says between the two corners: "O our Lord! Grant us good in this world and good in the Hereafter, and protect us from the torment of the Fire." (al-Baqarah 2:201)[1]

ويدعو في سائره بما أحب.

And he makes any supplications he pleases in the rest.

ثم يصلي ركعتين خلف المقام، ويعود إلى الركن فيستلمه.

and then pray two rak'ats behind the station (of Ibraheem) ﷺ and then he returns to the corner (of the Black Stone) and places his hand on it.[1]

"عن بن عَبَّاسٍ رضي الله عنهما قال طَافَ النبي صلى الله عليه وسلم بِالْبَيْتِ على بَعِيرٍ كُلَّمَا أتـى الـرُّكْنَ أَشَـارَ إليه بِشَيْءٍ كان عِنْدَهُ وَكَبَّرَ"

"Ibn 'Abbas (may Allah be pleased with them) said that the Prophet ﷺ circumambulated the house while riding a camel and whenever he was across from the pillar [here means the Black Stone], he would point to it with something and make takbeer (saying Allahu Akbar)." (B). In a report in (M) from Ibn 'Abbas, he explained that the Prophet ﷺ rode his camel when the people crowded around him. He ﷺ also wanted to be seen by all so that they would learn from him; otherwise walking is better.

1 For the following report,

"عن عبد اللهَّ بن السَّائِبِ قال سمعت رَسُولَ اللهَّ صلى الله عليه وسلم يقول ما بين الرُّكْنَيْنِ رَبَّنَا آتِنَا في الـدُّنْيَا حَسَنَةً وفي الْآخِرَةِ حَسَنَةً وَقِنَا عَذَابَ النَّارِ"

Abdullah ibn as-Saaeb (may Allah be pleased with him) said that he heard the Messenger of Allah ﷺ say between the two pillars [Black Stone & Yemeni] "*Rabbana aatina fi-d-dunya hasanah wa fil-aakhirah hasanah wa qina 'adhaaba an-Naar* (Our Lord! Give us in this world that which is good and in the Hereafter that which is good, and save us from the torment of the Fire)." (D; Ibn Hajar: hassan [sound]).

[Sa’ey]

ثم يخرج إلى الصفا من بابه فيرقى عليه ويكبر الله ويهلله ويدعوه،

Then, he departs to as-Safa from its gate and climbs it and says Allahu Akbar and makes tahleel, and supplicates to Him (Allah).

ثم ينزل فيمشي إلى العلم، ثم يسعى إلى العلم الأخر، ثم يمشي حتى يأتي المروة فيفعل كفعله على الصفا،

And then he walks to the flag and walks briskly to the other flag and then walks until he reaches al-Marwah and does as he did at as-Safa.

ثم ينزل فيمشي في موضع مشيه، ويسعى في موضع سعيه، حتى يكمل سبعة أشواط، يحتسب بالذهاب سعية، وبالرجوع سعية، يفتتح بالصفا ويختم بالمروة.

After that he walks in the place of walking and walks briskly in the place of walking briskly; until he finishes seven rounds. He counts going as

---

[1] For Jabir (may Allah be pleased with him) said in his long hadeeth,

"" ... ثُمَّ نَفَذَ إلى مَقَامِ إبراهيم عليه السَّلام فَقَرَأَ وَاتَّخِذُوا من مَقَامِ إبراهيم مُصَلًّى فَجَعَلَ الْمَقَامَ بَيْنَهُ وَبَيْنَ الْبَيْتِ فَكَانَ أبي يقول ولا أَعْلَمُهُ ذَكَرَهُ إلا عن النبي صلى الله عليه وسلم كان يَقْرَأُ في الرَّكْعَتَيْنِ قُلْ هو الله أَحَدٌ وَقُلْ يا أَيُّهَا الْكَافِرُونَ ثُمَّ رَجَعَ إلى الرُّكْنِ فَاسْتَلَمَهُ."

> “... And then going to the Station of Ibrahim, he recited:" And adopt the Station of Ibrahim as a place of prayer." And this Station was between him and the House. My father said (and I do not know whether he had mentioned it or if it was from Allah's Apostle ﷺ that he recited in two rak'ahs: "Say: He is Allah One," and say: "Say: 0 unbelievers." He then returned to the pillar (Hajar Aswad) and placed his hand on it [in authentic reports, kissed it].” (M).

one round and coming back as one round starting with as-Safa and finishing with al-Marwah.[1]

[Exiting from the Ihram of Umrah]

ثم يقصر من شعره إن كان معتمراً وقد حل. إلا المتمتع إن كان معه هدي والقارن والمفرد فإنه لا يحل.

and then he shortens his hair if he was making ‘Umrah and exited from his state of ihram, except the one making tamattu’ if he has his offerings with him or the one making qiraan or ifrad; none of them exit from the state of ihram.[2]

---

1 For Jabir (may Allah be pleased with him) said in his long hadeeth,

" ثُمَّ خَرَجَ من الْبَابِ إلى الصَّفَا فلما دَنَا من الصَّفَا قَرَأَ إِنَّ الصَّفَا والْمُرْوَةَ من شَعَائِرِ اللَّهِ أَبْدَأُ بِمَا بَدَأَ الله بِهِ فَبَدَأَ بِالصَّفَا فَرَقِيَ عليه حتى رَأَى الْبَيْتَ فَاسْتَقْبَلَ الْقِبْلَةَ فَوَحَّدَ اللَّهَ وَكَبَّرَهُ وقال لَا إِلَهَ إلا الله وَحْدَهُ لَا شَرِيكَ له له الْمُلْكُ وَلَهُ الْحَمْدُ وهو على كل شَيْءٍ قَدِيرٌ لَا إِلَهَ إلا الله وَحْدَهُ أَنْجَزَ وَعْدَهُ وَنَصَرَ عَبْدَهُ وَهَزَمَ الْأَحْزَابَ وَحْدَهُ ثُمَّ دَعَا بين ذلك قال مِثْلَ هذا ثَلَاثَ مَرَّاتٍ ثُمَّ نَزَلَ إلى الْمُرْوَةِ حتى إذا انْصَبَّتْ قَدَمَاهُ في بَطْنِ الْوَادِي سَعَى حتى إذا صَعِدَتَا مَشَى حتى أتى الْمُرْوَةَ فَفَعَلَ على الْمُرْوَةِ كما فَعَلَ على الصَّفَا حتى إذا كان آخِرُ طَوَافِهِ على الْمُرْوَةِ"

> “He then went out of the gate to as-Safa and as he came near it he recited:" Al-Safa' and al-Marwa are among the signs appointed by Allah," adding, I begin with what Allah (has commanded me) to begin. He first climbed al-Safa' till he saw the House, and facing the Qibla he declared the Oneness of Allah, glorified Him, and said:" There is no god but Allah, One; there is no partner with Him. His is the Sovereignty. To Him all praises are due. And He is Powerful over everything. There is no god but Allah alone, who fulfilled His promise, helped His servant and routed the confederates alone." He then made supplication in the course of saying such words three times. He then descended and walked towards al-Marwa, and when his feet came down in the bottom of the valley, he ran, and when he began to ascend, he walked until he reached al-Marwa. There he did as he had done at al-Safa'. And it was his last running at al-Marwa.” (M)

2 For the Prophet ﷺ said, in the hadeeth of Jabir,

والمرأة كالرجل، إلا أنها لا ترمل في طواف ولا سعي.

The woman is like the man (in all rulings) except that she does not make ramal (brisk walking with short steps) in tawaaf (circumambulation) or sa’y (brisk walking between as-Safa and al-Marwah.)

" لو أَنِّي اسْتَقْبَلْتُ من أَمْرِي ما اسْتَدْبَرْتُ لم أَسُقْ الْهَدْيَ وَجَعَلْتُهَا عُمْرَةً فَمَنْ كان مِنْكُمْ ليس معه هَدْيٌ فَلْيَحِلَّ وَلْيَجْعَلْهَا عُمْرَةً"

“…if I had known beforehand what I have come to know afterwards, I would not have brought sacrificial animals and would have performed an 'Umrah. Therefore, he who among you has no sacrificial animals with him should remove Ihram and treat it as an 'Umrah." (M).

Chapter of the Description of Hajj [1]

1 The greatest and most comprehensive hadeeth on the description of the Hajj of the Prophet ﷺ is reported from Jabir Ibn Abdullah, who was in the company of the Prophet ﷺ when he performed Hajj. The following is the complete hadeeth from Saheeh Muslim.

عن جَعْفَرِ بن مُحَمَّدٍ عن أبيه قال دَخَلْنَا على جَابِرِ بن عبد اللَّهِ فَسَأَلَ عن الْقَوْمِ حتى انْتَهَى إلي فقلت أنا محمد بن عَلِيِّ بن حُسَيْنٍ فَأَهْوَى بيده إلى رَأْسِي فَنَزَعَ زِرِّي الأعلى ثُمَّ نَزَعَ زِرِّي الْأَسْفَلَ ثُمَّ وَضَعَ كَفَّهُ بين ثَدْيَيَّ وأنا يَوْمَئِذٍ غُلَامٌ شَابٌّ فقال مَرْحَبًا بِكَ يا بن أَخِي سَلْ عَمَّا شِئْتَ فَسَأَلْتُهُ وهو أَعْمَى وَحَضَرَ وَقْتُ الصَّلَاةِ فَقَامَ في نِسَاجَةٍ مُلْتَحِفًا بها كُلَّمَا وَضَعَهَا علي مَنْكِبِهِ رَجَعَ طَرَفَاهَا إليه من صِغَرِهَا وَرِدَاؤُهُ إلى جَنْبِهِ على الْمِشْجَبِ فَصَلَّى بِنَا فقلت أَخْبِرْنِي عن حَجَّةِ رسول اللَّهِ صلى الله عليه وسلم

Ja'far ibn Muhammad reported on the authority of his father: We went to Jabir ibn. Abdullah and he began inquiring about the people (who had gone to see him) until it was my turn. I said, "I am Muhammad ibn 'Ali ibn Husain." He placed his hand upon my head and opened my upper button and then the lower one and then placed his palm on my chest (in order to bless me), and I was, during those days, a young boy, and he said, "You are welcome, my nephew. Ask whatever you want to ask." I asked him but as he was blind (he could not respond to me immediately), and the time for prayer had come. He stood up covering himself in his mantle. Whenever he placed its ends upon his shoulders, they slipped down because he was short (in size). Another mantle was, however, lying on the clothes rack nearby. He led us in the prayer. I said to him, "Tell me about the Hajj of Allah's Messenger ﷺ."

فقال بيده فَعَقَدَ تِسْعًا فقال إِنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم مَكَثَ تِسْعَ سِنِينَ لم يَحُجَّ ثُمَّ أَذَّنَ في الناس في الْعَاشِرَةِ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم حَاجٌّ فَقَدِمَ الْمَدِينَةَ بَشَرٌ كَثِيرٌ كلهم يَلْتَمِسُ أَنْ يَأْتَمَّ بِرَسُولِ اللَّهِ صلى الله عليه وسلم وَيَعْمَلَ مِثْلَ عَمَلِهِ

He pointed with his hand, and then said, "The Messenger of Allah ﷺ stayed in (Medina) for nine years but did not perform Hajj, then he made a public announcement in the tenth year to the effect that Allah's Messenger ﷺ was about to perform Hajj. A large number of people came to Medina and they were all anxious to follow the Messenger of Allah ﷺ and do like he did.

فَخَرَجْنَا معه حتى أَتَيْنَا ذَا الْحُلَيْفَةِ فَوَلَدَتْ أَسْمَاءُ بِنْتُ عُمَيْسٍ مُحَمَّدَ بن أبي بَكْرٍ فَأَرْسَلَتْ إلى رسول اللهَّ صلى الله عليه وسلم كَيْفَ أَصْنَعُ قال اغْتَسِلِي وَاسْتَثْفِرِي بِثَوْبٍ وَأَحْرِمِي فَصَلَّى رسول اللهَّ صلى الله عليه وسلم في الْمَسْجِدِ ثُمَّ رَكِبَ الْقَصْوَاءَ حتى إذا اسْتَوَتْ بِهِ نَاقَتُهُ على الْبَيْدَاءِ نَظَرْتُ إلى مَدِّ بَصَرِي بين يَدَيْهِ من رَاكِبٍ وَمَاشٍ وَعَنْ يَمِينِهِ مِثْلَ ذلك وَعَنْ يَسَارِهِ مِثْلَ ذلك وَمِنْ خَلْفِهِ مِثْلَ ذلك وَرَسُولُ اللهَّ صلى الله عليه وسلم بين أَظْهُرِنَا وَعَلَيْهِ يَنْزِلُ الْقُرْآنُ وهو يَعْرِفُ تَأْوِيلَهُ وما عَمِلَ بِهِ من شَيْءٍ عَمِلْنَا بِهِ

We set out with him until we reached Dhul-Hulaifa. Asma', the daughter of 'Umais, gave birth to Muhammad ibn Abu Bakr. She sent a message to the Messenger of Allah ﷺ asking him what she should do. He (the Prophet) said: Take a bath, bandage your private parts and put on Ihram. The Messenger of Allah ﷺ then prayed in the mosque after which he mounted al-Qaswa' (his she-camel) and it stood upright with him on its back at al-Baida'. Everything I saw as far as I could see in front of me were riders and pedestrians, and also on my right and on my left and behind me was the same scene. The Messenger of Allah ﷺ was prominent among us and the (revelation) of the Noble Qur'an was descending upon him. It is he who knows (its true) significance, and whatever he did, we, also, did the same.

فَأَهَلَّ بِالتَّوْحِيدِ لَبَّيْكَ اللهم لَبَّيْكَ لَبَّيْكَ لَا شَرِيكَ لك لَبَّيْكَ إِنَّ الْحَمْدَ وَالنِّعْمَةَ لك وَالْمُلْكَ لَا شَرِيكَ لك وَأَهَلَّ الناس بهذا الذي يُهِلُّونَ بِهِ فلم يَرُدَّ رسول اللهَّ صلى الله عليه وسلم عليهم شيئا منه وَلَزِمَ رسول اللهَّ صلى الله عليه وسلم تَلْبِيَتَهُ قال جَابِرٌ رضي الله عنه لَسْنَا نَنْوِي إلا الْحَجَّ لَسْنَا نَعْرِفُ الْعُمْرَةَ

He pronounced the Oneness of Allah (saying):" Labbaik, O Allah, Labbaik, Labbaik. You have no partner. All praise and grace is Yours and Sovereignty too; You have no partner." The people also pronounced this Talbeyah which they pronounce (today). The Messenger of Allah ﷺ did not reject anything from this. However, the Messenger of Allah ﷺ adhered to his own Talbeyah. Jabir (Allah be pleased with him) said: We did not have any other intention but that of Hajj, being unaware of the ‘Umrah (in that season),

حتى إذا أَتَيْنَا الْبَيْتَ معه اسْتَلَمَ الرُّكْنَ فَرَمَلَ ثَلَاثًا وَمَشَى أَرْبَعًا ثُمَّ نَفَذَ إلى مَقَامِ إبراهيم عليه السَّلَام فَقَرَأَ وَاتَّخِذُوا من مَقَامِ إبراهيم مُصَلًّى فَجَعَلَ الْمَقَامَ بَيْنَهُ وَبَيْنَ الْبَيْتِ فَكَانَ أبي يقول ولا أَعْلَمُهُ ذَكَرَهُ إلا عن النبي صلى الله عليه وسلم كان يَقْرَأُ في الرَّكْعَتَيْنِ قُلْ هو الله أَحَدٌ وَقُلْ يا أَيُّهَا الْكَافِرُونَ ثُمَّ رَجَعَ إلى الرُّكْنِ فَاسْتَلَمَهُ

When we came with him to the House, he touched the pillar and (made seven circuits) walking briskly in three of them, and

walking four. Then, going to the Station of Ibrahim, he recited: "And adopt the Station of Ibrahim as a place of prayer." And this Station was between him and the House. My father said (and I do not know whether he mentioned it but that was from Allah's Apostle ﷺ that he recited in two rak'ahs: "Say: He is Allah One," and say: "Say: 0 unbelievers." He then returned to the pillar (Hajar Aswad – the Black Stone) and kissed it.

ثُمَّ خَرَجَ من الْبَابِ إلى الصَّفَا فلما دَنَا من الصَّفَا قَرَأَ إِنَّ الصَّفَا والْمَرْوَةَ من شَعَائِرِ اللَّهِ أَبْدَأُ بِمَا بَدَأَ الله بِهِ فَبَدَأَ بِالصَّفَا فَرَقِيَ عليه حتى رَأَى الْبَيْتَ فَاسْتَقْبَلَ الْقِبْلَةَ فَوَحَّدَ اللَّهَ وَكَبَّرَهُ وقال لَا إِلَهَ إلا الله وَحْدَهُ لَا شَرِيكَ له له الْمُلْكُ وَلَهُ الْحَمْدُ وهو على كل شَيْءٍ قَدِيرٌ لَا إِلَهَ إلا الله وَحْدَهُ أَنْجَزَ وَعْدَهُ وَنَصَرَ عَبْدَهُ وَهَزَمَ الْأَحْزَابَ وَحْدَهُ ثُمَّ دَعَا بين ذلك قال مِثْلَ هذا ثَلَاثَ مَرَّاتٍ ثُمَّ نَزَلَ إلى الْمَرْوَةِ حتى إذا انْصَبَّتْ قَدَمَاهُ في بَطْنِ الْوَادِي سَعَى حتى إذا صَعِدَتَا مَشَى حتى أتى الْمَرْوَةَ فَفَعَلَ على الْمَرْوَةِ كما فَعَلَ على الصَّفَا حتى إذا كان آخِرُ طَوَافِهِ على الْمَرْوَةِ فقال لو أَنِّي اسْتَقْبَلْتُ من أَمْرِي ما اسْتَدْبَرْتُ لم أَسُقْ الْهَدْيَ وَجَعَلْتُهَا عُمْرَةً فَمَنْ كان مِنْكُمْ ليس معه هَدْيٌ فَلْيَحِلَّ وَلْيَجْعَلْهَا عُمْرَةً فَقَامَ سُرَاقَةُ بن مَالِكِ بن جُعْشُمٍ فقال يا رَسُولَ اللَّهِ أَلِعَامِنَا هذا أَمْ لِأَبَدٍ فَشَبَّكَ رسول اللَّهِ صلى الله عليه وسلم أَصَابِعَهُ وَاحِدَةً في الْأُخْرَى وقال دَخَلَتْ الْعُمْرَةُ في الْحَجِّ مَرَّتَيْنِ لَا بَلْ لِأَبَدٍ أَبَدٍ

After that, he went out of the gate to al-Safa' and as he approached it, he recited: "Al-Safa' and al-Marwa are among the signs appointed by Allah," (adding:) I begin with what Allah the Almighty (has commanded me) to begin with. First, he mounted al-Safa' till he saw the House, and then facing the Qibla he declared the Oneness of Allah and glorified Him, and said: "There is no god but Allah, One, there is no partner with Him. His is the Sovereignty. To Him all praises are due. And He is Powerful over everything. There is no god but Allah alone, Who fulfilled His promise, helped His servant and routed the confederates alone." He then supplicated while saying such words three times. He then descended and walked towards al-Marwa, and when his feet came down in the bottom of the valley, he ran, and when he began to ascend, he walked until he reached al-Marwa. There he did as he had done at al-Safa', and when it was his last running at al-Marwa, he said, "If I had known beforehand what I have come to know afterwards, I would not have brought sacrificial animals and would have performed an '‘Umrah. Therefore, he who among you has not any sacrificial animals with him should remove Ihram and treat it as an ‘Umrah." Suraqah ibn Malik ibn Ju'sham got up, and said, Messenger of Allah, does it apply to the present year, or does it apply forever? Thereupon, the Messenger of Allah ﷺ intertwined the fingers (of one hand) into the other and said twice: "‘Umrah has become incorporated in Hajj" (adding): "No, but forever and ever."

وَقَدِمَ عَلِيٌّ من الْيَمَنِ بِبُدْنِ النبي صلى الله عليه وسلم فَوَجَدَ فَاطِمَةَ رضي الله عنها مِمَّنْ حَلَّ وَلَبِسَتْ ثِيَابًا صَبِيغًا وَاكْتَحَلَتْ فَأَنْكَرَ ذلك عليها فقالت إِنَّ أبي أَمَرَنِي بهذا قال فَكَانَ عَلِيٌّ يقول بِالْعِرَاقِ فَذَهَبْتُ إلى رسول الله صلى الله عليه وسلم مُحَرِّشًا على فَاطِمَةَ لِلَّذِي صَنَعَتْ مُسْتَفْتِيًا لِرَسُولِ الله صلى الله عليه وسلم فِيمَا ذَكَرَتْ عنه فَأَخْبَرْتُهُ أَنِّي أَنْكَرْتُ ذلك عليها فقال صَدَقَتْ صَدَقَتْ مَاذَا قُلْتَ حين فَرَضْتَ الْحَجَّ قال قلت اللهم إني أُهِلُّ بِمَا أَهَلَّ بِهِ رَسُولُكَ قال فإن مَعِيَ الْهَدْيَ فلا تَحِلُّ قال فَكَانَ جَمَاعَةُ الْهَدْيِ الذي قَدِمَ بِهِ عَلِيٌّ من الْيَمَنِ وَالَّذِي أتى بِهِ النبي صلى الله عليه وسلم مِائَةً قال فَحَلَّ الناس كلهم وَقَصَّرُوا إلا النبي صلى الله عليه وسلم وَمَنْ كان معه هَدْيٌ

'Ali came from the Yemen with sacrificial animals for the Prophet ﷺ and found Fatimah (may Allah be pleased with her) with those who had removed Ihram and had applied dye to her clothes and also some antimony. He ('Ali) showed his disapproval of this, whereupon she said, "My father has commanded me to do this." He (the narrator) said that 'Ali used to say in Iraq: "I went to the Messenger of Allah ﷺ showing annoyance with Fatimah for what she had done, and asked the (verdict) of Allah's Messenger ﷺ regarding what she had narrated from him, and told him that I was angry with her. At this he said: "She has told the truth, she has told the truth." (The Prophet then asked 'Ali): :What did you say when you set out to perform Hajj?" I ('Ali) said: "O Allah, I am putting on Ihram for the same purpose as Your Messenger has put it on."
He said: "I have with me sacrificial animals, so do not remove the Ihram." He (Jabir) said: "The total number of sacrificial animals that were brought by 'Ali from the Yemen and of those brought by the Prophet ﷺ was one hundred." Then all the people, except the Prophet ﷺ and those who had with them sacrificial animals, removed Ihram, and had their hair clipped;

فلما كان يَوْمُ التَّرْوِيَةِ تَوَجَّهُوا إلى مِنًى فَأَهَلُّوا بِالْحَجِّ وَرَكِبَ رسول الله صلى الله عليه وسلم فَصَلَّى بها الظُّهْرَ وَالْعَصْرَ وَالْمَغْرِبَ وَالْعِشَاءَ وَالْفَجْرَ ثُمَّ مَكَثَ قَلِيلًا حتى طَلَعَتْ الشَّمْسُ وَأَمَرَ بِقُبَّةٍ من شَعَرٍ تُضْرَبُ له بِنَمِرَةَ فَسَارَ رسول الله صلى الله عليه وسلم ولا تَشُكُّ قُرَيْشٌ إلا أَنَّهُ وَاقِفٌ عِنْدَ الْمَشْعَرِ الْحَرَامِ كما كانت قُرَيْشٌ تَصْنَعُ في الْجَاهِلِيَّةِ فَأَجَازَ رسول الله صلى الله عليه وسلم حتى أتى عَرَفَةَ

when it was the day of Tarwiyah (8th of Dhul-Hijja) they went to Mina and put on the Ihram for Hajj and the Messenger of Allah (may peace be upon him) rode and led the noon, afternoon, sunset 'Isha' and dawn prayers. He then waited a little

until the sun had risen, and commanded that a tent of hair should be pitched at Namirah. The Messenger of Allah ﷺ then set out and the Quraish did not doubt that he would halt at al-Mash'ar al-Haram (the sacred site) as the Quraish used to do in the pre-Islamic period. The Messenger of Allah ﷺ; however, continued till he came to 'Arafat.

فَوَجَدَ الْقُبَّةَ قد ضُرِبَتْ له بِنَمِرَةَ فَنَزَلَ بها حتى إذا زَاغَتْ الشَّمْسُ أَمَرَ بِالْقَصْوَاءِ فَرُحِلَتْ له فَأَتَى بَطْنَ الْوَادِي فَخَطَبَ الناس وقال إِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ حَرَامٌ عَلَيْكُمْ كَحُرْمَةِ يَوْمِكُمْ هذا في شَهْرِكُمْ هذا في بَلَدِكُمْ هذا ألا كُلُّ شَيْءٍ من أَمْرِ الْجَاهِلِيَّةِ تَحْتَ قَدَمَيَّ مَوْضُوعٌ وَدِمَاءُ الْجَاهِلِيَّةِ مَوْضُوعَةٌ وَإِنَّ أَوَّلَ دَمٍ أَضَعُ من دِمَائِنَا دَمُ بن رَبِيعَةَ بن الْحَارِثِ كان مُسْتَرْضِعًا في بَنِي سَعْدٍ فَقَتَلَتْهُ هُذَيْلٌ وَرِبَا الْجَاهِلِيَّةِ مَوْضُوعٌ وَأَوَّلُ رِبًا أَضَعُ رِبَانَا رِبَا عَبَّاسِ بن عبد الْمُطَّلِبِ فإنه مَوْضُوعٌ كُلُّهُ فَاتَّقُوا اللهَ في النِّسَاءِ فَإِنَّكُمْ أَخَذْتُمُوهُنَّ بِأَمَانِ اللهِ وَاسْتَحْلَلْتُمْ فُرُوجَهُنَّ بِكَلِمَةِ اللهِ وَلَكُمْ عَلَيْهِنَّ أَنْ لَا يُوطِئْنَ فُرُشَكُمْ أَحَدًا تَكْرَهُونَهُ فَإِنْ فَعَلْنَ ذلك فَاضْرِبُوهُنَّ ضَرْبًا غير مُبَرِّحٍ وَلَهُنَّ عَلَيْكُمْ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ وقد تَرَكْتُ فِيكُمْ ما لَنْ تَضِلُّوا بَعْدَهُ إن اعْتَصَمْتُمْ بِهِ كِتَابُ اللهِ وَأَنْتُمْ تُسْأَلُونَ عَنِّي فما أَنْتُمْ قَائِلُونَ قالوا نَشْهَدُ أَنَّكَ قد بَلَّغْتَ وَأَدَّيْتَ وَنَصَحْتَ فقال بِإِصْبَعِهِ السَّبَّابَةِ يَرْفَعُهَا إلى السَّمَاءِ وَيَنْكُتُهَا إلى الناس اللهم اشْهَدْ اللهم اشْهَدْ ثَلَاثَ مَرَّاتٍ

He found that the tent had been pitched for him at Namirah. There he dismounted until the sun had passed the meridian and he commanded that al-Qaswa' (his she-camel) should be saddled and brought to him. Then he came to the bottom of the valley, and addressed the people saying, Verily your blood and your property are as sacred and inviolable as the sacredness of this day of yours, in this month of yours, in this town of yours. Behold! Everything pertaining to the Days of Ignorance is under my feet completely abolished. Abolished are also the blood-revenge of the Days of Ignorance.

The first claim of ours on blood-revenge, which I abolish, is that of the son of Rabi'a ibn al-Harith, who was nursed among the tribe of Sa'd and killed by Hudhail. And the usury of pre-Islamic period is abolished, and the first of our usury I abolish is that of 'Abbas b. 'Abd al-Muttalib, for it is all abolished. Fear Allah concerning women! Verily you have taken them on the security of Allah, and intercourse with them has been made lawful unto you by words of Allah. You too have rights over them; that they should not allow anyone to sit on your bed whom you do not like. But if they do that, you can chastise them but not severely. Their rights upon you are that you should provide them with food and clothing in a fitting manner. I have left among you the Book of Allah, and if you hold fast to it, you would never go astray. And you would be asked about me (on the Day of Resurrection), (now tell me) what would you say? They (the

audience) said: We will bear witness that you have conveyed (the message), discharged (the ministry of Prophethood) and gave wise (sincere) counsel. He (the narrator) said: He (the Prophet) then raised his forefinger towards the sky and pointing it at the people (said):" O Allah, be witness. 0 Allah, be witness," saying it thrice.

ثُمَّ أَذَّنَ ثُمَّ أَقَامَ فَصَلَّى الظُّهْرَ ثُمَّ أَقَامَ فَصَلَّى الْعَصْرَ ولم يُصَلِّ بَيْنَهُمَا شيئا ثُمَّ رَكِبَ رسول اللهَّ صلى الله عليه وسلم حتى أتى الْمَوْقِفَ فَجَعَلَ بَطْنَ نَاقَتِهِ الْقَصْوَاءِ إلى الصَّخَرَاتِ وَجَعَلَ حَبْلَ الْمُشَاةِ بين يَدَيْهِ وَاسْتَقْبَلَ الْقِبْلَةَ فلم يَزَلْ وَاقِفًا حتى غَرَبَتْ الشَّمْسُ وَذَهَبَتْ الصُّفْرَةُ قَلِيلًا حتى غَابَ الْقُرْصُ وَأَرْدَفَ أُسَامَةَ خَلْفَهُ وَدَفَعَ رسول اللهَّ صلى الله عليه وسلم وقد شَنَقَ لِلْقَصْوَاءِ الزِّمَامَ حتى إِنَّ رَأْسَهَا لَيُصِيبُ مَوْرِكَ رَحْلِهِ وَيَقُولُ بيده اليمني أَيُّهَا الناس السَّكِينَةَ السَّكِينَةَ كُلَّمَا أتى حَبْلًا من الْحِبَالِ أَرْخَى لها قَلِيلًا حتى تَصْعَدَ

(Bilal then) pronounced Adhan and later on he pronounced the Iqama and he (the Prophet) led the noon prayer. He (Bilal) then uttered the Iqama and he (the Prophet) led the afternoon prayer and he observed no other prayer in-between the two.

The Messenger of Allah ﷺ then mounted his camel and came to the place of standing, making his she-camel, al-Qaswa, turn towards the side where there were rocks, having the path taken by those who went on foot in front of him, and faced the Qibla. He continued standing there till the sun set, and the yellow light had somewhat disappeared, and the disc of the sun had completely disappeared. He made Usama sit behind him, and he pulled the nose string of Qaswa so forcefully that its head touched the saddle (in order to keep her under perfect control), and he pointed to the people with his right hand to be moderate (in speed), and whenever he happened to pass over an elevated tract of sand, he slightly loosened it (the nose-string of his camel) till she climbed up.

حتى أتى الْمُزْدَلِفَةَ فَصَلَّى بها الْمَغْرِبَ وَالْعِشَاءَ بِأَذَانٍ وَاحِدٍ وَإِقَامَتَيْنِ ولم يُسَبِّحْ بَيْنَهُمَا شيئا ثُمَّ اضْطَجَعَ رسول اللهَّ صلى الله عليه وسلم حتى طَلَعَ الْفَجْرُ وَصَلَّى الْفَجْرَ حين تَبَيَّنَ له الصُّبْحُ بِأَذَانٍ وَإِقَامَةٍ ثُمَّ رَكِبَ الْقَصْوَاءَ حتى أتى الْمَشْعَرَ الْحَرَامَ فَاسْتَقْبَلَ الْقِبْلَةَ فَدَعَاهُ وَكَبَّرَهُ وَهَلَّلَهُ وَوَحَّدَهُ فلم يَزَلْ وَاقِفًا حتى أَسْفَرَ جِدًّا فَدَفَعَ قبل أَنْ تَطْلُعَ الشَّمْسُ وَأَرْدَفَ الْفَضْلَ بن عَبَّاسٍ وكان رَجُلًا حَسَنَ الشَّعْرِ أَبْيَضَ وَسِيمًا فلما دَفَعَ رسول اللهَّ صلى الله عليه وسلم مَرَّتْ بِهِ ظُعُنٌ يَجْرِينَ فَطَفِقَ الْفَضْلُ يَنْظُرُ إِلَيْهِنَّ فَوَضَعَ رسول اللهَّ صلى الله عليه وسلم يَدَهُ على وَجْهِ الْفَضْلِ فَحَوَّلَ الْفَضْلُ وَجْهَهُ إلى الشِّقِّ الْآخَرِ يَنْظُرُ فَحَوَّلَ رسول اللهَّ صلى الله عليه وسلم يَدَهُ من الشِّقِّ الْآخَرِ على وَجْهِ الْفَضْلِ يَصْرِفُ وَجْهَهُ من الشِّقِّ الْآخَرِ يَنْظُرُ

He continued like this until he reached al-Muzdalifa, and there he led the evening and 'Isha prayers with one Adhan and two

Iqamas and did not glorify (Allah) in-between them (he did not observe supererogatory rak'ahs between Maghrib and 'Isha' prayers). The Messenger of Allah ﷺ then lay down till dawn and offered the dawn prayer with an Adhan and Iqama when the morning light was clear. He again mounted al-Qaswa, and when he came to al-Mash'ar al-Haram, he faced towards the Qibla, supplicated Him, Glorified Him, and pronounced His Uniqueness (La ilaha illa Allah) and Oneness, and continued standing till the daylight was very clear.

He then went quickly before the sun rose, and seated behind him was al-Fadl ibn 'Abbas and he was a man with beautiful hair, a fair complexion and a handsome face. As the Messenger of Allah ﷺ was moving on, there was also a group of women (side by side with them) going as well. Al-Fadl began to look at them. The Messenger of Allah ﷺ placed his hand on the face of Fadl who then turned his face to the other side, and began to see, and the Messenger of Allah ﷺ turned his hand to the other side and placed it on the face of al-Fadl. However, he again turned his face to the other side

حتى أتى بَطْنَ مُحَسِّرٍ فَحَرَّكَ قَلِيلًا ثُمَّ سَلَكَ الطَّرِيقَ الْوُسْطَى التي تَخْرُجُ على الْجَمْرَةِ الْكُبْرَى حتى أتى الْجَمْـرَةَ التي عِنْدَ الشَّجَرَةِ فَرَمَاهَا بِسَبْعِ حَصَيَاتٍ يُكَبِّرُ مع كل حَصَاةٍ منها مِثْلِ حَصَى الْخَذْفِ رَمَى من بَطْنِ الْوَادِي ثُمَّ انْصَرَفَ إلى الْمَنْحَرِ فَنَحَرَ ثَلَاثًا وَسِتِّينَ بيده ثُمَّ أَعْطَى عَلِيًّا فَنَحَرَ ما غَبَرَ وَأَشْرَكَهُ في هَدْيِهِ ثُمَّ أَمَرَ مـن كـل بَدَنَـةٍ بِبَضْعَةٍ فَجُعِلَتْ في قِدْرٍ فَطُبِخَتْ فَأَكَلَا من لَحْمِهَا وَشَرِبَا من مَرَقِهَا

till he came to the bottom of Muhassir. He urged her (al-Qaswa) a little, and, following the middle road, which comes out at the greatest Jamra, he came to the Jamra which is near the tree. At this be threw seven small pebbles, saying Allah-u-Akbar while throwing each one of them in a manner in which the small pebbles are thrown (with the help of his fingers) and this he did in the bottom of the valley. He then went to the place of sacrifice, and sacrificed sixty-three (camels) with his own hand. Then, he gave the remaining number to 'Ali who sacrificed them, and he shared in his sacrifice with him. He then commanded that a piece of meat from each animal that was sacrificed should be put in a pot, and when it was cooked, both of them (the Prophet and 'Ali) took some meat out of it and drank the soup.

باب صفة الحج

[Functions of the 8th (Tarweyah)]

وإذا كان يوم التروية فمن كان حلالاً أحرم من مكة وخرج إلى عرفات

And when it is the day of Tarweyah (storing water)[1], then everyone who is not in a state of ihram should enter into it from Makkah and go to ‘Arafat.[2]

ثُمَّ رَكِبَ رسول اللهَّ صلى الله عليه وسلم فَأَفَاضَ إلى الْبَيْتِ فَصَلَّى بِمَكَّةَ الظُّهْرَ فَأَتَى بَنِي عبد الْمُطَّلِبِ يَسْقُونَ على زَمْزَمَ فقال انْزِعُوا بَنِي عبد الْمُطَّلِبِ فَلَوْلَا أَنْ يَغْلِبَكُمْ الناس على سِقَايَتِكُمْ لَنَزَعْتُ مَعَكُمْ فَنَاوَلُوهُ دَلْوًا فَشَرِبَ منه"

The Messenger of Allah ﷺ again rode and came to the House, and offered the Zuhr prayer at Makkah. He came to the tribe of Abd al-Muttalib, who were supplying water at Zamzam, and said: “Draw water. O Bani 'Abd al-Muttalib; were it not that people would usurp this right of supplying water from you, I would have drawn it along with you. Therefore, they handed him a basket and he drank from it.” End of the long hadeeth of Jabir from (M).

[1] For they would get water on that day for ‘Arafat and Mina.

🕒All praise to Allah, now there is running water in both places.

2The Stay in Mina on the 8th.

Imam Ibn Qudamah skipped the stay in Mina on the way to ‘Arafat; probably unintentionally, for it is known that the Sunnah is to go to Mina first and sleep over in Mina until the following day; the ninth, and then proceed to ‘Arafat after sunrise, thus, praying five mandatory prayers in Mina.

📖 This is clear from the long hadeeth of Jabir:

" فلما كان يَوْمُ التَّرْوِيَةِ تَوَجَّهُوا إلى مِنًى فَأَهَلُّوا بِالْحَجِّ وَرَكِبَ رسول اللهَّ صلى الله عليه وسلم فَصَلَّى بها الظُّهْرَ وَالْعَصْرَ وَالْمَغْرِبَ وَالْعِشَاءَ وَالْفَجْرَ ثُمَّ مَكَثَ قَلِيلًا حتى طَلَعَتْ الشَّمْسُ وَأَمَرَ بِقُبَّةٍ من شَعَرٍ تُضْرَبُ له بِنَمِرَةَ فَسَارَ رسول اللهَّ صلى الله عليه وسلم ولا تَشُكُّ قُرَيْشٌ إلا أَنَّهُ وَاقِفٌ عِنْدَ الْمَشْعَرِ الْحَرَامِ كما كانت قُرَيْشٌ تَصْنَعُ في الْجَاهِلِيَّةِ فَأَجَازَ رسول اللهَّ صلى الله عليه وسلم حتى أتى عَرَفَةَ "

"When it was the day of Tarwiya (8th of Dhu'l-Hijja) they went to Mina and put on the Ihram for Hajj and the Messenger of Allah ﷺ rode and led the noon, afternoon, sunset 'Isha' and dawn prayers. He then waited a little till the sun had risen, and

[Functions of the 9th (‘Arafah)]

فإذا زالت الشمس يوم عرفه صلى الظهر والعصر يجمع بينهما بأذان وإقامتين، ثم يـروح إلى الموقف -وعرفات كلها موقف إلا بطن عرنة.

And when the sun reaches its zenith on the day of ‘Arafat, he prays dhuhr and ‘asr combined ۞ with one adhaan and two iqamas. Then, he goes to the standing place.[1] All of ‘Arafat is a standing place ۞ except for the middle/bottom of the valley of ‘Uranah.

ويستحب أن يقف في موقف النبي صلى الله عليه وسلم أو قريباً من الصخرات، ويجعل حبل المشاة بين يديه، ويستقبل القبلة ويكون راكباً،

---

commanded that a tent of hair should be pitched at Namira. The Messenger of Allah ﷺ then set out and the Quraish did not doubt that he would halt at al-Mash'ar al-Haram (the sacred site) as the Quraish used to do in the pre-Islamic period. The Messenger of Allahﷺ; however, passed on till he came to 'Arafat."

[1] This is what is to be done in ‘Arafat before the prayer from the hadeeth of Jabir:

" حتى إذا زَاغَتْ الشَّمْسُ أَمَرَ بِالْقَصْوَاءِ فَرُحِلَتْ له فَأَتَى بَطْنَ الْوَادِي فَخَطَبَ الناس"

"There [in the tent] he dismounted till the sun had passed the meridian; he commanded that al-Qaswa (his she-camel) should be brought and saddled for him. Then he came to the bottom of the valley, and gave a speech to the people."

After that, he prayed and proceeded to stand at the standing station, as in the hadeeth of Jabir:

" ثُمَّ أَذَّنَ ثُمَّ أَقَامَ فَصَلَّى الظُّهْرَ ثُمَّ أَقَامَ فَصَلَّى الْعَصْرَ ولم يُصَلِّ بَيْنَهُمَا شيئا"

"(Bilal then) pronounced Adhan and later on Iqama and he (the Prophet) led the noon prayer. He (Bilal) then pronouced the Iqama and he (the Prophet) led the afternoon prayer and he observed no other prayer in-between the two."

It is preferable to stand at the site where the Prophet stood or close to the rocks and have the pedestrians in front of him, and face the Qiblah while riding.[1]

ويكثر من قول لا إله إلا الله وحده لا شريك له، له الملك وله الحمد، بيده الخير وهو على كل شئ قدير، ويجتهد في الدعاء والرغبة إلى الله عز وجل إلى غروب الشمس،

And say abundantly, "There is no God but Allah, alone without partners; to Him belongs the dominion and all praise is due to Him; in His hands is all goodness and He is all-capable of all things."

And he should excel in making supplication and seeking Almighty Allah[2] until sunset[3].

---

1 For Jabir (may Allah be pleased with him) said in his long hadeeth:

" ثُمَّ رَكِبَ رسول اللهَّ صلى الله عليه وسلم حتى أتى الْمَوْقِفَ فَجَعَلَ بَطْنَ نَاقَتِهِ الْقَصْوَاءِ إلى الصَّخَرَاتِ وَجَعَلَ حَبْلَ الْمُشَاةِ بين يَدَيْهِ وَاسْتَقْبَلَ الْقِبْلَةَ "

> "The Messenger of Allah ﷺ then mounted his camel and went to the place of standing, making his she-camel, al-Qaswa', turn towards the side where there were rocks, having the path taken by those who went on foot in front of him, and faced the Qibla."

2 For the Prophet ﷺ said,

"أَفْضَلُ الدُّعَاءِ دُعَاءُ يَوْمِ عَرَفَةَ وَأَفْضَلُ ما قلت أنا وَالنَّبِيُّونَ من قَبْلِي لاَ إِلَهَ إِلاَّ الله وَحْدَهُ لاَ شَرِيكَ له"

> "The best supplication is that of the day of 'Arafat. And the best word I and the Prophets before me have said is, "There is no God but Allah, alone without partners; to Him belongs the dominion and all praise is due to Him; in His hands is all goodness and He is all-capable of all things." (Ba, Malik; Albani: Auth).

3 For Jabir said in his long hadeeth:

"فلم يَزَلْ وَاقِفًا حتى غَرَبَتْ الشَّمْسُ وَذَهَبَتْ الصُّفْرَةُ قَلِيلًا حتى غَابَ الْقُرْصُ"

> "He kept standing there till the sun set, and the yellow light had somewhat gone, and the disc of the sun had disappeared."

ثم يدفع مع الإمام إلى مزدلفة على طريق المأزمين وعليه السكينة والوقار، ويكون ملبياً ذاكراً لله عز وجل،

And then leaves with the imam to al-Muzdalifah taking the route of al-Ma'zemayn[1]. He proceeds with serenity and dignity[2] while making talbeyah and mentioning Almighty Allah.

فإذا وصل إلى مزدلفة صلى بها المغرب والعشاء قبل حط الرحال يجمع بينهما، ثـم يبيـت بها.

Once he reaches al-Muzdalifah, he prays al-Maghrib and al-'Isha' ۞ before he unloads his belongings. He combines the prayers, ۞ then, he sleeps over in that place.[3]

1 A way between two mountains after 'Arafat, which is not the route the Prophet ﷺ took coming to 'Arafat and known as Dabb.

2 For Jabir said in his long hadeeth:

" وَدَفَعَ رسول اللهَّ صلى الله عليه وسلم وقد شَنَقَ لِلْقَصْوَاءِ الزِّمَامَ حتى إِنَّ رَأْسَهَا لَيُصِيبُ مَوْرِكَ رَحْلِهِ وَيَقُولُ بيده اليمني أَيُّهَا الناس السَّكِينَةَ السَّكِينَةَ"

> "and he pulled the nose string of al-Qaswa' (the she-camel of the Prophet) so forcefully that its head touched the saddle (in order to keep her under perfect control), and he pointed to the people with his right hand to be moderate (in speed) and to be calm."

3 For Jabir said in his long hadeeth:

" حتى أتى الْمُزْدَلِفَةَ فَصَلَّى بها الْمَغْرِبَ وَالْعِشَاءَ بِأَذَانٍ وَاحِدٍ وَإِقَامَتَيْنِ ولم يُسَبِّحْ بَيْنَهُمَا شيئا ثُمَّ اضْطَجَعَ رسول اللهَّ صلى الله عليه وسلم حتى طَلَعَ الْفَجْرُ"

> "Until he reached al-Muzdalifa, there he led the evening and 'Isha prayers with one Adhan and two Iqamas and did not glorify (Allah) in between them (he did not observe any supererogatory rak'ahs between Maghrib and 'Isha' prayers). The Messenger of Allah ﷺ then lay down till dawn"

[Functions of the 10th (Eid)]

ثم يصلي الفجر بغلس، ويأتي المشعر الحرام فيقف عنده ويدعو،

After that, he prays al-Fajr while it is still dark and he goes to the Mash’ar al-Haraam and stands there and supplicates.[1]

ويستحب أن يكون من دعائه: اللهم كما وقفتنا فيه وأريتنا إياه فوفقنا لذكرك كما هديتنا، واغفر لنا وارحمنا كما وعدتنا بقولك وقولك الحق: فإذا أفضتم من عرفات فاذكروا الله عند المشعر الحرام واذكروه كما هداكم وإن كنتم من قبله لمن الضالين * ثم أفيضوا من حيث أفاض الناس واستغفروا الله إن الله غفور رحيم.

And it is preferable that he includes his supplication with the following, “O Allah, as You enabled us to stand at it [al-Mish’ar al-Haram] and see it, enable us to mention You as You guided us. And forgive us and bestow mercy on us, as You promised us in Your saying – and Your speech is all true - “Then when you leave Arafat, remember Allah (by glorifying His Praises; prayers and invocations, and so on) at the Mash’ar-il-Haram. And remember Him (by invoking Allah for all good) as He has guided you, and verily, you were, before, of those who were astray.” (al-Baqarah 2:198).[2]

---

1 For Jabir said in his long hadeeth:

" وَصَلَّى الْفَجْرَ حين تَبَيَّنَ له الصُّبْحُ بِأَذَانٍ وَإِقَامَةٍ ثُمَّ رَكِبَ الْقَصْوَاءَ حتى أتى الْمَشْعَرَ الْحَرَامَ فَاسْتَقْبَلَ الْقِبْلَةَ فَدَعَاهُ وَكَبَّرَهُ وَهَلَّلَهُ وَوَحَّدَهُ فلم يَزَلْ وَاقِفًا حتى أَسْفَرَ جِدًّا فَدَفَعَ قبل أَنْ تَطْلُعَ الشَّمْسُ"

> “and offered the dawn prayer with an Adhan and Iqama when the morning light was clear. He again mounted al-Qaswa, and when he came to al-Mash'ar al-Haram, he faced towards the Qibla, supplicated Him, Glorified Him, and pronounced His Uniqueness (La ilaha illa Allah) and Oneness, and continued standing till the daylight was very clear. He then went quickly before the sun rose.”

2 This supplication is not from the Prophetﷺ, but you may use any supplication of your choice, as long as they are not made routine or part of the deen.

ويقف حتى يسفر جداً، ثم يدفع قبل طلوع الشمس،

And he stands until it is well lit;---and then moves before sunrise.[1] ❁

[Ramy/Stoning]

فإذا بلغ محسراً أسرع قدر رمية بحجر حتى يأتي منى فيبتدئ بجمرة العقبة فيرميها بسبع حصيات كحصى الخذف،

Once he reaches Muhasser[2], he should hasten ❁ for a distance of a stone's throw until he arrives at Mina. Then, he starts with the Jamrat-ul-'Aqabah[3], and throws seven pebbles at it that are like the pebbles of throwing.[4]

---

1 For Jabir said in his long hadeeth:

" فلم يَزَلْ وَاقِفًا حتى أَسْفَرَ جِدًّا فَدَفَعَ قبل أَنْ تَطْلُعَ الشَّمْسُ"

"and continued standing till the daylight was very clear. He then went quickly before the sun rose."

2 *Muhasser*, literally, means 'withholder'. The scholars indicted that it was called this because it is the place where the elephant of Abrahah was prevented from proceeding by Almighty Allah when Abraha came to demolish the Ka'bah. The Prophet ﷺ would not like to stay a long time at a place where some of the previously-destroyed nations existed and were tormented. He said to his companions,

" لَا تَدْخُلُوا على هَؤُلَاءِ الْمُعَذَّبِينَ إلا أَنْ تَكُونُوا بَاكِينَ أَنْ يُصِيبَكُمْ مِثْلُ ما أَصَابَهُمْ "

"Do not enter upon those who were tormented, unless you are weeping, lest there befall you something like that which befell them." (Ag)

? There is a lesson here for those who keep bad company and take for intimate friends people who deserve the punishment of Almighty Allah. If the Prophet ﷺ feared for his companions from merely existing in places where they lived hundreds of years before, what would you think about taking them as intimate companions?

3 Jamrah is a heap of stones and Jamrat-ul-'Aqabah is referred to as the al-Jamrat-ul-Kubra (the large Jamrah).

4 Thrown in games and are usually like the size of an olive.

يكبر مع كل حصاة، ويرفع يديه في الرمي، ويقطـع التلبيـة بابتـداء الرمـي، ويسـتبطن الوادي ويستقبل القبلة، ولا يقف عندها،

He says Allahu Akbar with every pebble and raises his hand while throwing. And he interrupts the talbeyah once he starts throwing.[1]

And he stands in the middle/bottom of the valley and faces the Qiblah,[2] and he does not stand by it.[3]

[Nahr/Slaughtering]

ثم ينحر هديه، ثم يحلق رأسه أو يقصره، ثم قد حل له كل شئ إلا النساء.

Then, he slaughters his sacrifice and shaves his head or shortens his hair and then everything is permissible[4] for him except contact with women.[1]

---

1 (B) Reported from Ibn ‘Abbas and Usamah that the Prophet ﷺ continued the talbeyah until he threw Jamrat-ul-‘Aqabah.

2 For Jabir said in his long hadeeth:

"حتى أتى الْجَمْرَةَ التي عِنْدَ الشَّجَرَةِ فَرَمَاهَا بِسَبْعِ حَصَيَاتٍ يُكَبِّرُ مع كل حَصَاةٍ منها مِثْلِ حَصَى الْخَذْفِ رَمَى من بَطْنِ الْوَادِي ثُمَّ انْصَرَفَ إلى الْمَنْحَرِ"

> “until he came to the bottom of Muhassir. He urged her (al-Qaswa) a little, and, following the middle road, which comes out at the greatest Jamrat, he came to the Jamrat which is near the tree. At this be threw seven small pebbles, saying Allah-u-Akbar while throwing each one of them in a manner in which the small pebbles are thrown (with the fingers) and this he did at the bottom of the valley. He then went to the place of sacrifice.” (M)

3 See: 2 & 1

4 First Tahallul

- That is the popular position of (A) + (H) concerning the first tahallul;
- (S + A2): after two of the following three: stoning, shaving or slaughtering;
- (M + a): after stoning alone.

Each position has some merit; the first two are safer; however, the last one may be more strongly supported by evidence, for there are several reports from ‘Aisha and Ibn ‘Abbas indicating that the first tahallul is after the

[Tawaf al-Ifadah]

ثم يفيض إلى مكة فيطوف للزيارة وهو الطواف الواجب الذي به تمام الحج

Then, he proceeds to Makkah, and performs the tawaaf of az-Zeyarah[2]; and that is the mandatory tawaaf with which the Hajj becomes complete.

ثم يسعى بين الصفا والمروة إن كان متمتعاً أم ممن لم يسع مع طواف القدوم،

And then he walks briskly between as-Safa and al-Marwa if he was performing tamattu' or if he did not, he makes sa'y with tawaaf al-Qudoom.[3]

[Total Exiting from Ihraam]

ثم قد حل من كل شيء،

After that, everything is halal for him.[4]

ويستحب أن يشرب من ماء زمزم لما أحب، ويتضلع منه، ثم يقول: اللهم اجعله لنا علماً نافعاً، ورزقاً واسعاً، ورياً وشبعاً، وشفاء من كل داء، واغسل به قلبي واملأه من خشيتك وحكمتك.

And it is recommended that he:

1. Drinks from Zamzam with any intention that he wishes.[1]

stoning. These reports are somewhat controversial, but they strengthen each other.

1 Meaning that all kinds of lustful contact is forbidden; others said only intercourse is forbidden. The first opinion is stronger since the Prophet ﷺ said "except women" not "except intercourse".

2 Also called tawaaf al-Ifadah and it is a pillar in Hajj. In this tawaaf, there is no ramal (brisk walking with short steps) and there is no idtiba' (uncovering of the right shoulder).

3 For Sa'y, see: 1

4 Including lustful contact with women and sexual intercourse. This is so after he had completed the following three rites: throwing, shaving and tawaaf.

2. And to drink his fill.
3. Then he says, "O Allah grant us with it knowledge that is beneficial, provision that is plentiful, quenching of thirst and satisfaction after hunger and cure of all ailments and wash, with it, my heart, and fill it with fear of You and fill it with Your wisdom."[2]

[1] For the Prophet ﷺ said,

"مَاءُ زَمْزَمَ لِمَا شُرِبَ له"

"The water of Zamzam is for whatever intention (request) it was drunk for." (A, Ha, Ma; authenticated by many).

[2] Reported with a weak chain from Ibn 'Abbas, yet, as a supplication, you may use it, or use any other supplication, for there is flexibility concerning supplications, and you may ask Almighty Allah for whatever you please.

باب ما يفعله بعد الحل

Chapter of What He Should Do After Removing Ihram

[Mabeet/Sleeping over in Mina]

ثم يرجع إلى منى ولا يبيت لياليها إلا بها.

Then, he goes to Mina and should only stay the nights of Mina in Mina.[1] ۞

[Rest of the Ramy/Stoning]

فيرمي بها الجمرات بعد الزوال من أيامها، كل جمرة بسبع حصيات،

Then, he stones the Jamarat after zawaal[2] (the sun reaching the meridian) of each day.--- Each Jamrah is stoned with seven pebbles.[3] ۞

يبتدئ بالجمرة الأولى فيستقبل القبلة ويرميها بسبع حصيات كما رمى جمرة العقبة، ثـم يتقـدم فيقف فيدعو الله، ثم يأتي الوسطى فيرميها كذلك، ثم يرمي جمرة العقبة ولا يقف عندها.

He starts with the first Jamrah[4] ۞ and faces the Qiblah ۞ and stones it with seven pebbles ۞ as he did with Jamrat-ul-'Aqabah and then he

1 For that is what the Prophet ﷺ and his companions did. He permitted al-'Abbas to stay overnight outside Mina (Ag). Al-'Abbas was in charge of the water supply, thus, he needed to be in Makkah.

2 For Jabir said,

" رمى رَسُولَ اللهَّ صلى الله عليه وسلم الجَمْرَةَ يوم النَّحْرِ ضُحًى فَأَمَّا بَعْدَ ذلك فَبَعْدَ زَوَالِ الشَّمْسِ"

"The Messenger of Allah stoned Jamrat-ul-'Aqabah at forenoon on the day of sacrifice, and thereafter after zawaal (the sun reaching the meridian). (M)

3 As in several ahadeeth, including the hadeeth of Jabir.

4 The order of stoning the Jamarat is a condition for the validity of stoning according to the majority.

proceeds and stands to invoke Almighty Allah ❁ and then goes to the middle Jamrah ❁ and stones it as well. Then, he stones Jamrat-ul-‘Aqabah; ❁ but he does not stand by it.[1] ❁

ثم يرمي في اليوم الثاني كذلك،

Then, he stones in the second day likewise. ❁

فإن أحب أن يتعجل في يومين خرج قبل الغروب،

If he desired to leave early, after two days,[2] he should leave before sunset.[3] ❁

📖 That is because the Prophet ﷺ followed that order (see: 1) and he said,

"خُذوا عني مَناسِكَكم"

“Take your rites from me.” (Ba; an-Nawawi and Ibn Hajar: Auth.).

1 He stands to supplicate after the smaller and middle Jamrahs but not Jamrat-ul-‘Aqabah.

📖 That is for the following report:

"عن بن عُمَرَ رضي الله عنهما أَنَّهُ كان يَرْمِي الْجَمْرَةَ الدُّنْيَا بِسَبْعِ حَصَيَاتٍ يُكَبِّرُ على إِثْرِ كل حَصَاةٍ ثُمَّ يَتَقَدَّمُ حتى يُسْهِلَ فَيَقُومَ مُسْتَقْبِلَ الْقِبْلَةِ فَيَقُومُ طَوِيلًا وَيَدْعُو وَيَرْفَعُ يَدَيْهِ ثُمَّ يَرْمِي الْوُسْطَى ثُمَّ يَأْخُذُ ذَاتَ الشِّمَالِ فيسهل وَيَقُومُ مُسْتَقْبِلَ الْقِبْلَةِ فَيَقُومُ طَوِيلًا وَيَدْعُو وَيَرْفَعُ يَدَيْهِ وَيَقُومُ طَوِيلًا ثُمَّ يَرْمِي جَمْرَةَ ذَاتِ الْعَقَبَةِ من بَطْنِ الْوَادِي ولا يَقِفُ عِنْدَهَا ثُمَّ يَنْصَرِفُ فيقول هَكَذَا رأيت النبي صلى الله عليه وسلم يَفْعَلُهُ"

“‘Abdullah ibn‘Omar (may Allah be pleased with them) used to stone the closest Jamrah (al-Jamrah al-Dunya) with seven pebbles, saying Allah-u-Akbar after each throw, then he would proceed until he reached level ground. After that, he would stand facing the Qibla for a long time, making du’a’ and raising his hands. Then he would stone the middle Jamrah in the same way. Then he would move to the left towards level ground, and stand facing the Qibla for a long time, making du’a’ and raising his hands. After that, he would stone Jamrat-ul-‘Aqabah in the bottom of the valley, and he would not stand by it, and he would say: ‘This is what I saw the Messenger of Allah ﷺ do.’ (B).

2 Leaving on the twelfth after the stoning and before sunset.

3 For Almighty Allah said,

" فَمَن تَعَجَّلَ فِي يَوْمَيْنِ فَلاَ إِثْمَ عَلَيْهِ وَمَن تَأَخَّرَ فَلا إِثْمَ عَلَيْهِ"

فإن غربت الشمس وهو بمنى لزمه المبيت بمنى والرمي من غد،

If the sun sets while he is still in Mina, he must stay overnight and stone the Jamarat the following day.[1]

فإن كان متمتعاً أو قارناً فقد انقضى حجه وعمرته،

If he was making tamattu' or qiraan, his Hajj would have been completed. ❁

وإن كان مفرداً خرج إلى التنعيم فأحرم بالعمرة منه، ثم يأتي مكة فيطوف ويسعى ويحلق أو يقصر،

And if he was making ifraad, he goes out to at-Tan'eem and enters into ihram for 'Umrah from there and after that he goes to Makkah and makes tawaaf and sa'y and shaves or shortens his hair.[2]

فإن لم يكن له شعر استحب أن يمر الموسى على رأسه، وقد تم حجه وعمرته

"But whosoever hastens to leave in two days, there is no sin on him and whosoever stays on, there is no sin on him" (al-Baqarah 2:203).

1 For Abdullah ibn 'Omar said,

" من غَرَبَت عليه الشَّمسُ وهُو بمِنَى من أوْسَط أيام التَّشريق فلا يَنْفِرَن حتى يَرْمِي الجِمار مِن الغَدِ"

"If the sun sets while he is still in Mina in the middle of days of at-Tashreeq, he must not leave until he stones the Jamarat the following day." (Ba). This report is from Ibn 'Omar and it has been reported from the Prophet ﷺ albeit with a weak chain as deemed by Ibn Hajar and others.

2 'Umrah after Hajj-ul-ifraad

There is no evidence that the Prophet ﷺ recommended for one who made ifraad to make 'Umrah afterwards.

However, if he is coming from a distant land, and he has not made 'Umrah before, then he may perform 'Umrah, particularly if he believes it is mandatory. It is better for him to make tamattu' or qiraan, but, some resort to this in order to avoid the hady (offering of an animal).

If he has no hair, it is recommended to pass a razor over his head, and his Hajj and 'Umrah would be then completed.[1]

وليس في عمل القارن زيادة على عمل المفرد. لكن عليه وعلى المتمتـع دم لقولـه تعـالى: فمن تمتع بالعمرة إلى الحج فما استيسر من الهدي فمن لم يجد فصيام ثلاثة أيـام في الحـج وسبعة إذا رجعتم.

The one making qiraan does not do more than the one making ifraad[2]. However, he and the one making tamattu' must slaughter,[3] based on the saying of Almighty Allah, "And whosoever performs the Umrah in the months of Hajj, before (performing) the Hajj, (i.e. Hajj-at-Tamattu and Al-Qiraan), he must slaughter a Hady such as he can afford, but if he cannot afford it, he should observe Sawm (fasts) for three days during the Hajj and seven days after his return (to his home)." (al-Baqarah 2:196)

[Wadaa'/Farewell to the House]

وإذا أراد القفول لم يخرج حتى يودع البيت بطواف عند فراغـه مـن جميـع أمـوره حتـى يكون آخر عهده بالبيت،

And when he wants to return [to his homeland], he should not leave until he bids farewell to the House by circumambulation, after he has

1 This recommendation is not from the Prophet ﷺ, but from some of the scholars.

2 As far as the rites of Hajj, including tawaaf and sa'y.
As for the person making tamattu', he does a sa'y for his 'Umrah and one for his Hajj and he shaves or shortens his hair twice.

3 Hady for the one making qiraan
? That is the opinion of the four madhhabs, since the one making qiraan, performed both 'Umrah and Hajj in one trip. Thus, he should slaughter, like the one making tamattu' to show gratitude to Almighty Allah who permitted him to do so.

completed all his matters, so that the last place he departs Makkah from is the House.[1]

فإن اشتغل بعده بتجارة أعاده،

Therefore, if he, thereafter, engaged in some business transactions, he must repeat it.[2]

ويستحب له إذا طاف أن يقف في الملتزم بين الركن والباب فيلتزم البيت ويقول: اللهم هذا بيتك وأنا عبدك وابن عبدك وابن أمتك، حملتني على ما سخرت لي من خلقك، وسيرتني في بلادك حتى بلغتني بنعمتك إلى بيتك، وأعنتني على أداء نسكي، فإن كنت رضيت عني فازدد عني رضى، وإلا فمن الآن قبل أن تنأى عن بيتك داري، فهذا أوان انصرافي إن أذنت لي، غير مستبدل بك ولا ببيتك ولا راغب عنك ولا عن بيتك. اللهم أصحبني العافية في بدني، والصحة في جسمي، والعصمة في ديني، وأحسن منقلبي، وارزقني طاعتك ما أبقيتني، واجمع لي بين خيري الدنيا والآخرة، إنك على كل شئ قدير.

It is recommended for him if he circumambulated (the Ka'bah) to stand at al-Multazam (the place to be embraced) between the pillar (Black Stone) and the door. He would embrace the House[3] and say, "O Allah, this is Your

---

1Tawaaf al-Wada' (Farewell Tawaaf)

📖 This ruling is for the following report,

عن بن عَبَّاسٍ رضي الله عنهما قال "أُمِرَ الناس أَنْ يَكُونَ آخِرُ عَهْدِهِمْ بِالْبَيْتِ إلا أَنَّهُ خُفِّفَ عن الْحَائِضِ."

Ibn 'Abbas (may Allah be pleased with them) said, "The people were commanded to make the House their last place (to visit) before departure, but, a concession was made for menstruating women." (Ag).

🗐 They agreed on Tawaaf al-Wadaa' being sunnah (recommended or mandatory), and that it is not a pillar.❁

2 Based on the previous report.

☞ That, however, would not apply to a person who buys something on his way or a person who is waiting for his travel companions.

3 For the following report:

House and I am Your slave, son of Your male slave, son of Your female slave. You have carried me on a creature that You subdued to me. And You caused me to travel through Your lands until You caused me to reach Your house by Your grace. And You have enabled me to perform my rites (of pilgrimage). If You were pleased with me then, I beg You to be more pleased, otherwise, be pleased with me now before my place of residence grows farther away from Your House, for now I am about to depart if You permit, without forsaking You or Your House. O Allah, give me safety and good physical health and protect me in my religion; let my affairs turn out well (let me find my family well and safe upon my return). And help me to obey You as long as You keep me alive, and give me the good of this world and the Hereafter, for You are able to do all things."[1]

ويدعو بما أحب ثم يصلي على النبي صلى الله عليه وسلم،

Then, he supplicates as he likes and sends peace and blessings on the Prophet ﷺ.

عن عَمْرِو بن شُعَيْبٍ عن أبيه قال طُفْتُ مع عبد اللهَّ فلما جِئْنَا دُبُرَ الْكَعْبَةِ قلت ألا تَتَعَوَّذُ قال نَعُوذُ بِاللهَّ من النَّارِ ثُمَّ مَضَى حتى اسْتَلَمَ الْحَجَرَ وَأَقَامَ بين الرُّكْنِ وَالْبَابِ فَوَضَعَ صَدْرَهُ وَوَجْهَهُ وَذِرَاعَيْهِ وَكَفَّيْهِ هَكَذَا وَبَسَطَهُمَا بَسْطًا ثُمَّ قال هَكَذَا رأيت رَسُولَ اللهَّ صلى الله عليه وسلم يَفْعَلُهُ

'Amr ibn Shu'aib (the grandson of Abdullah ibn 'Amr ibn al-'As) reported from his father that he said: "I made tawaaf with Abdullah and when we came behind the Ka'bah, he said, 'Should we not seek refuge in Allah from the fire?' Then, he went and touched the Black Stone and stood between the pillar (the Black Stone) and the door, and he put his chest, face and arms like that and he stretched them out and then said, 'I saw the Messenger of Allah do that.' (D) This hadeeth itself is weak but there are reports from Ibn 'Abbas in which he said, 'Al-Multazam (the part to be embraced) is between the pillar and the door.' (Reported by Ibn Abi Shaibah and others and authenticated by Ibn Hajar).

1 This supplication is not from the Prophet ﷺ, but many scholars recommended it.

فمن خرج قبل الوداع رجع إليه إن كان قريباً، وإن بعد بعث بدم.

So, whoever leaves before the farewell (tawaaf), he returns to it if he is close, and if he is far, he sends a sacrifice [of sheep or a goat].[1]

إلا الحائض والنفساء فلا وداع عليهما، ويستحب لهما الوقوف عند باب المسجد والدعاء.

Except for a menstruating woman and one with postpartum bleeding; they are not obliged to perform farewell (tawaaf).[2] ❁ And it is recommended for them to stand at the door of the masjid and supplicate.[3]

1 For that is the ruling of leaving out a mandatory action of Hajj.
📖 That is for the statement of Ibn 'Abbas:

" من نَسِيَ من نُسُكِهِ شيئا أو تَرَكَهُ فَلْيُهْرِقْ دَمًا."

"Whoever forgets one of the rites or leaves it out, must slaughter an animal." (Reported by Malik and authenticated by an-Nawawi in al-Majmoo'). Note: this is not from the speech of the Prophet ﷺ, but it is the fatwa of a companion uncontested by other companions.

2 For the following report:

عن بن عَبَّاسٍ رضي الله عنهما قال "أُمِرَ الناس أَنْ يَكُونَ آخِرُ عَهْدِهِمْ بِالْبَيْتِ إلا أَنَّهُ خُفِّفَ عن الْحَائِضِ."

Ibn 'Abbas (may Allah be pleased with them) said, "The people were commanded to make the House their last place (to visit) before departure, but, a concession was made for a menstruating woman." (Ag).

3 There is no report from the Prophet ﷺ concerning this, but if she desires to see the masjid, be close to it before her departure, and supplicate, there is, obviously, no harm in her doing so.

باب أركان الحج والعمرة

The Chapter of the Pillars of Hajj and 'Umrah

أركان الحج: الوقوف بعرفة، وطواف الزيارة.

The pillars[1] of Hajj are:

1. Standing at 'Arafah[2]❁
2. The tawaaf of az-Zeyarah[3]❁

---

1 The pillars
are those acts without which worship is invalid. There is no expiation for leaving them out, and there is no difference between doing so intentionally or absentmindedly.
- The pillars of Hajj are the two mentioned here according to (H + A2),
- them + ihraam and sa'y according to (A + M).
- For (S), they add two more to those four, which are, shaving/shortening the hair and doing the pillars in the prescribed order.

2 That is a pillar by consensus ❁
- based on the statement of the Prophet ﷺ,

"الْحَجُّ عَرَفَةُ من جاء لَيْلَةَ جَمْعٍ قبل طُلُوعِ الْفَجْرِ فَقَدْ أَدْرَكَ الْحَجَّ"

"Hajj is (mainly about standing at) 'Arafah, so whosoever comes (to 'Arafah) before fajr on the night of Jam' (al-Muzdalifah), then his Hajj is fulfilled." (D, Ma, T, A; an-Nawawi & Ibn al-Mulaqqen: Auth.).

- It is also a consensus that intention is not a condition of validity for the standing at 'Arafah. ❁

3 Tawaaf az-Ziyarah
Also called TAWAAF AL-IFADAH.
- It is a pillar by consensus,
- based on the following report:

"عن عَائِشَةَ رضي الله عنها أَنَّ صَفِيَّةَ بِنْتَ حُيَيٍّ زَوْجَ النبي صلى الله عليه وسلم حَاضَتْ فَذَكَرْتُ ذلك لِرَسُولِ اللَّهِ صلى الله عليه وسلم فقال أَحَابِسَتُنَا هِيَ قالوا إِنَّهَا قد أَفَاضَتْ قال فلا إِذًا"

'Aishah (may Allah be pleased with him) said that Safiyah bint Huyay (the wife of the Prophet) got her period. The Prophet ﷺ said: 'Is she keeping us (from leaving)?' They said, 'She has already performed tawaaf al-ifaadah.' He said, 'Then, she will not keep us back.'

? The words of the Prophet ﷺ, 'Is she keeping us (from leaving)?' indicate that a person may not leave before performing tawaaf al-Ifadah.

وواجباته: الإحرام من الميقات، والوقوف بعرفة إلى الليل، والمبيت بمزدلفة إلى نصف الليل، والسعي، والمبيت بمنى، والرمي، والحلق، وطواف الوداع،

The obligatory acts[1] are:

1. Making ihraam from the meeqaat (ihraam site)[2]
2. Standing at ‘Arafah until sunset[3]

1 Mandatory acts

must be performed. Leaving them out is a sin, but would not invalidate the Hajj. The expiation for forgetting them or leaving them out is to slaughter an animal. This is based on the following report from Ibn ‘Abbas:

" من نَسِيَ من نُسُكِهِ شيئا أو تَرَكَهُ فَلْيُهْرِقْ دَمًا."

“Whoever forgets one of his rites or leaves it out, must slaughter an animal.” (Reported by Malik and authenticated by an-Nawawi in al-Majmoo’).

? Note: this is not from the speech of the Prophetﷺ, but it is the fatwa of a companion uncontested by other companions. Thus, having the power of consensus.

2 Entering the state of ihraam

1) in general

- is a pillar in the other opinion of (A) and it is also the position of (M +S).
- for (H), It is a condition (shart) for the validity of Hajj, not a pillar (rukn).

? (H)’s position is practically indifferent from the majority; the pillar and condition are both essential, but the first is part of the act and the second is outside it, like wudu’ is not part of the prayer, but a condition for its validity.

2) Entering the state of ihraam at the meeqaat

- is mandatory; one who forgets to do it or does not do it will need to slaughter an animal.

- Speaking the intention is prescribed, but not a condition. One’s ihraam/Neyat is valid without verbalization.

3 Standing at 'Arafah part of the day and the night

- Standing at ‘Arafah is a pillar without which one’s Hajj is invalid, ۞ and this pillar is fulfilled by standing there for a moment between the Fajr [H+M+S: Zawaal] of the day of ‘Arafat and fajr of the following day.

This is because the Prophet ﷺ said to ‘Urwah ibn Mudarris:

" من أَدْرَكَ مَعَنَا هذه الصَّلَاةَ وَأَتَى عَرَفَاتَ قبل ذلك لَيْلًا أو نَهَارًا فَقَدْ تَمَّ حَجُّهُ وَقَضَى تَفَثَهُ."

“Whoever attends this prayer [fajr in al-Muzdalifah] with us and he had prior to that stood at ‘Arafat during the day or night, his

3. Staying until midnight in al-Muzdalifah[1]
4. Sa'y[2]

Hajj is completed and his rite (or unkemptness) is finished." (Reported by the five; T: Auth.)

- To combine standing before and after sunset is mandatory according to (A).

This is obligatory because this was what the Prophet ﷺ did.

1 Staying overnight in al-Muzdalifah

- (A + S): Staying overnight in al-Muzdalifah is mandatory. One who leaves al-Muzdalifah without an excuse (such as being old, a woman, weak or in their company), must expiate by slaughtering an animal. If a person leaves after midnight he has left a Sunnah but not a wajib act, according to the majority.
- (Some Shafe'ees): It is a pillar.
- (H): Sunnah.
- (M): must spend a short while, otherwise will have to slaughter an animal.

It seems that staying overnight (until midnight) in al-Muzdalifah is wajib (mandatory) but not a pillar,

for the Prophet ﷺ said:

"الْحَجُّ عَرَفَةٌ من جاء لَيْلَةَ جَمْعٍ قبل طُلُوعِ الْفَجْرِ فَقَدْ أَدْرَكَ الْحَجَّ"

"Hajj is (mainly about standing at) 'Arafat, so whoever comes (to 'Arafat) before the fajr on the night of Jam' (al-Muzdalifah), then his Hajj is fulfilled." (D, Ma, T, A; an-Nawawi & Ibn al-Mulaqqen: Auth.).

If he reaches 'Arafat immediately before fajr, he would not have stayed overnight in al-Muzdalifah, yet the above hadeeth considers his hajj valid.

The overnight stay is mandatory, not only a sunnah,

because the Prophet ﷺ did it, and commanded that we follow him concerning the rites of Hajj. He only permitted those who are weak to leave for Mina before midnight.

2 Sa'y

There are two strong positions in (A):

- One considers sa'y a pillar and that is consistent with (M + S)
- The other considers it wajib (mandatory), and that is consistent with (H).

The Prophet ﷺ said:

"اسْعَوْا فإن اللهَ كَتَبَ عَلَيْكُمُ السَّعْيَ."

"Make sa'y, for Allah ordained sa'y on you." (Kh, Ba, Tab.K.; an-Nawawi and Ibn Hajar: hassan)

Also, 'Aishah said:

5. Staying overnight in Mina[1]
6. Stoning. ☸ [2]

"ما أَتَمَّ الله حَجَّ امْرِئٍ ولا عُمْرَتَهُ ما لم يَطُفْ بين الصَّفَا وَالْمَرْوَةِ."

"Allah does not complete the Hajj and 'Umrah of a person unless he makes sa'y between as-Safa and al-Marwah." (Ag).

? The command in the hadeeth means it is mandatory, but does not necessarily mean it is a pillar (by definition, if one misses a pillar his act of worship is invalid.)

? The second hadeeth could also be interpreted to mean, his hajj will be deficient, and he would have committed a sin, but his hajj is still valid.

📖 Those who support this position use the ahadeeth in which the Prophet indicates that hajj is about 'Arafah. They argue that the pillarhood of tawaaf and ihraam was established by other evidences.

📖 They add to that the implications of the following verse:

﴿إِنَّ الصَّفَا وَالْمَرْوَةَ مِن شَعَائِرِ اللّهِ فَمَنْ حَجَّ الْبَيْتَ أَوِ اعْتَمَرَ فَلاَ جُنَاحَ عَلَيْهِ أَن يَطَّوَّفَ بِهِمَا وَمَن تَطَوَّعَ خَيْرًا فَإِنَّ اللّهَ شَاكِرٌ عَلِيمٌ﴾

﴿Behold! Safa and Marwa are among the Symbols of Allah. So if those who visit the House in the Season or at other times, should compass them round, it is no sin in them. And if any one obeyeth his own impulse to good,- be sure that Allah is He Who recogniseth and knoweth.﴾ (Al-Baqara 2:158)

The verse was revealed because the companions felt uncomfortable walking between them, since they did that during Jahiliyah, when they had many idols on them. It was made clear to them that walking between them is of the remains of the religion of Ibraheem, and they were of Allah's symbols.

The verse's language, however, does not infer the pillarhood of this rite. The verse should not be used to deny their obligation, because 'Urwah asked 'Aishah whether it meant that it is not mandatory, and she assertively indicated that it did not.

Having ritual purity is not a condition of validity of sa'y. ☸ Yet, the majority say: a woman must not be menstruating.

1 Staying overnight in Mina

- (<u>M + S + A</u>): wajib
- (<u>H</u>): Sunnah.

Spending <u>most</u> of the night in Mina is sufficient for this obligation.

One who fails to stay overnight in Mina all its days, will need to slaughter an animal. And if he missed a night or two, he must feed a poor individual a mudd (0.51 kg) of food for each day.

2 Rulings of Stoning

It is mandatory by consensus (reported by al-Kasaani). ☸

The time of stoning:

- The time of stoning for each day ends at the end of the day for (<u>H + M</u>)
- But for (<u>S + A</u>), it lasts until the maghrib of the thirteenth of Dhul-Hijjah.

7. Shaving [or shortening] the hair[1]
8. The farewell tawaaf[2]

وأركان العمرة: الطواف.

The pillars of 'Umrah are:

Tawaaf ❁

وواجباتها: الإحرام، والسعي، والحلق،

And its mandatory actions are:

1. Ihraam[3]
2. Sa'y[4]
3. Shaving [or shortening] the hair[5]

The number that is sufficient to fulfill the rite of each Jamrah is seven.

- If he misses one or two throws/pebbles, he does not have to slaughter an animal, but he must give something away in charity according to (S + A).
- According to (M), if he missed a single pebble, he would have to slaughter an animal.
- (H) gave more than half (4 out of 7) the ruling of the whole number.

1 Shaving/Shortening the hair

- (H + M + A): wajib;
- (S): pillar.
- (All 4 except for s + a): a condition for removing ihraam. Thus, one who does not shave/shorten may not do any violation of ihraam, and if he did, he must expiate.

2 That is the position of (H + S + A) based on the following report:

عن بن عَبَّاسٍ رضي الله عنهما قال "أُمِرَ الناس أَنْ يَكُونَ آخِرُ عَهْدِهِمْ بِالْبَيْتِ إلا أَنَّهُ خُفِّفَ عن الْحَائِضِ."

> Ibn 'Abbas said: "The people were commanded to make the House their last place (to visit) before departure, but a concession was made for a menstruating woman." (Ag).

(M): Sunnah since a menstruating woman was exempted from it.

⚖ The opinion of the majority is stronger.

3 (A2): pillar
4 (A2): pillar
5 That is the majority opinion (H + M + A); (S): pillar

[Missing part of Hajj and Umrah]

فمن ترك ركناً لم يتم نسكه إلا به،

So, whoever leaves out any pillar, his nusuk (rite) is not complete without it.[1] ❁

ومن ترك واجباً جبره بدم،

Whoever leaves out any mandatory action, must compensate for it by an offering (of sheep/goat or better).[2]

ومن ترك سنة فلا شئ عليه

And he who leaves out a sunnah (preferable) act, there is nothing due on him.[3]

---

1 They agree on this, but they disagree on what a pillar is.

There is a consensus that tawaaf is a pillar in both Hajj and 'Umrah and standing at 'Arafah is a pillar in Hajj.

2 For the following report from Ibn 'Abbas,

" من نَسِيَ من نُسُكِهِ شيئا أو تَرَكَهُ فَلْيُهْرِقْ دَمًا."

"Whoever forgets one of his rites or leaves it out, he must slaughter an animal." (Reported by Malik and authenticated by an-Nawawi in al-Majmoo').

If he cannot afford it, then the popular position in (A) is to fast ten days (3+7) like in tamattu'. That is also the majority position.

? They say that the person who is making tamattu' was instructed by Almighty Allah to fast if he could not afford to slaughter an animal and this should be the case here.

The less popular position (a) is the exemption from expiation because there is no evidence in this particular case for the obligation to fast.

3 One should not, however, neglect the Sunnah of our beloved Prophet ﷺ except for a reason, particularly in Hajj since there is much controversy and the perceived-Sunnah may in fact be wajib. Also, the time of Hajj is one of the greatest seasons to draw closer to Almighty Allah.

ومن لم يقف بعرفة حتى طلع الفجر يوم النحر فقد فاته الحج، فيتحلل بطواف وسعي وينحر هدياً إن كان معه وعليه القضاء.

He who does not stand at ‘Arafat until the beginning of the dawn of the Day of Sacrifice, missed the Hajj. ❁ He must remove ihraam by tawaaf and sa’y ❁ and must slaughter an offering (sheep/goat or better) if he can afford to do so,--- and must make up (this Hajj).[1] ❁

وإن أخطأ الناس العدد فوقفوا في غير يوم عرفة أجزأهم ذلك،

If the people erred in counting and stood on a day other than the day of ‘Arafat, it would suffice them. ❁

وإن فعل ذلك نفر منهم فقد فاتهم الحج

If only a group of them did that, they miss the Hajj. ❁

ويستحب لمن حج زيارة قبر النبي صلى الله عليه وسلم وقبري صاحبيه رضي الله عنهما.

It is recommended for the person who performs Hajj to visit the grave of the Prophet ﷺ and his two companions (may Allah be pleased with them).[2]

1 Based on ‘Omar’s fatwa to Habbaar ibn al-Aswad. (Ba).

2 Is the visit to the masjid or the grave?

People will ultimately visit the grave of the Prophet ﷺ, yet, when they set out on their way to al-Madeenah, their intention should be to visit his masjid. When they arrive at the masjid, they start by walking to the grave, and giving salaam to the Prophet ﷺ and his two companions (may Allah be pleased with them) like the companions would do when they visited the masjid.

📖 The reason why he should intend to be traveling so as to visit the masjid, not the grave, is that the Prophet ﷺ said:

"لَا تُشَدُّ الرِّحَالُ إلا إلى ثَلَاثَةِ مَسَاجِدَ مَسْجِدِي هذا وَمَسْجِدِ الْحَرَامِ وَمَسْجِدِ الْأَقْصَى."

باب الهدي والأضحية

Chapter of al-Hady and al-Udhiyah

والهدي والأضحية سنة لا تجب إلا بالنذر،

Al-Hady (offering of a sheep/goat or better) and al-Udhiyah (sacrifice of a sheep/goat or better) are Sunnah and only become mandatory by making a vow.[1]

والتضحية أفضل من الصدقة بثمنها،

Sacrificing (an animal) is better than donating its value.

والأفضل فيهما الإبل ثم البقر ثم الغنم،

The best of it is camels, then, cows, followed by sheep and goats.

ويستحب استحسانها واستسمانها،

It is recommended to select for it the best and the fattest.

[Conditions of a valid udhiyah]

ولا يجزئ إلا الجذع من الضأن والثني مما سواه،

Nothing less than a (jadha')[2] six-month-old sheep or a (thaney)[1] of others will suffice.[2]

""Do not travel to visit any place but three mosques: this masjid of mine, al-Masjid al-Haraam, and al-Masjid al-Aqsa." (Ag)

This visit to the masjid of the Prophet ﷺ, though generally prescribed and recommended, is not one of the rites of Hajj or 'Umrah. The only evidence that it is one of the rites, is a fabricated (mawdoo') hadeeth. (Graded mawdoo' by many, including adh-Dhahabi and ash-Shawkaani)

1 That is the voluntary hady, not the hady of tamattu', ihsaar…and so on.

2 Jadha' means young and is used for humans as well.

وثني المعز ما له سنة، وثني الإبل ما كمل له خمس سنين، ومن البقر ما له سنتان.

The thaney of goats is one year of age; and of camels it is five years of age; and of cows and buffalos it is two years of age.

وتجزئ الشاة عن واحد، والبدنة والبقرة عن سبعة،

One sheep or goat will suffice for one person and a camel or a cow or buffalo will suffice for seven.[3]

ولا تجزئ العوراء البين عورها، و لا العجفاء التي لا تنقي، ولا العرجاء البين ظلعها، ولا المريضة البين مرضها، ولا العضباء التي ذهب أكثر قرنها أو أذنها،

And the following will not suffice[4]:

---

1 Thaneyah is the front tooth (incisors). The animal is called after this tooth when it reaches the age at which it loses it.

2 What is a valid udhiyah/hady

📖 The above position is supported by Prophet's statement:

"لَا تَذْبَحُوا إلا مُسِنَّةً إلا أَنْ يَعْسُرَ عَلَيْكُمْ فَتَذْبَحُوا جَذَعَةً من الضَّأْنِ."

"Do not slaughter except a musinnah [= thaneyah] (one-year-old sheep or goat – two-year-old cow – five- year-old camel) except if you encounter hardship in doing so, then you may slaughter jadha'ah (six- month- old) sheep." (M).

This would have meant that it is only permissible to slaughter a six- month-old sheep if there is inability to slaughter a one-year-old, but there is another report from the Prophet ﷺ saying,

" إن الْجَذْعَةَ تُجْزِئُ مِمَّا تُجْزِئُ منه الثَّنِيَّةُ."

"Certainly, the six-month-old will suffice in the stead of the one-year-old." (A + N + H; Albani: Auth).

It is safer, however, to slaughter a one-year-old.

3 For Jabir said:

"نَحَرْنَا مع رسول اللهَّ صلى الله عليه وسلم عَامَ الْحُدَيْبِيَةِ الْبَدَنَةَ عن سَبْعَةٍ وَالْبَقَرَةَ عن سَبْعَةٍ."

"We slaughtered (by stabbing) the animal while we were with the Prophet ﷺ in the year of al-Hudaybiyah; the camel for seven (people) and the cow for seven (people). (M).

4 For the Prophet ﷺ said:

1. An obviously one-eyed animal.
2. An emaciated animal that has no bone marrow or fat.
3. An animal that is obviously lame.
4. An animal that is obviously sick.
5. An animal that lost most of its horn or ear.[1]

وتجزئ الجماء والبتراء والخصي وما شقت أذنها أو خرقت أو قطع أقل من نصفها،

The following will suffice:

1. A hornless animal[2]
2. An animal that lost most of its tail.
3. An animal that was castrated.
4. An animal whose ear was slit, pierced or had less than half of it cut off.

[How to slaughter]

والسنة نحر الإبل قائمة معقولة يدها اليسرى، وذبح البقر والغنم على صفاحها، ويقول عند ذلك: بسم الله والله أكبر، اللهم هذا منك ولك،

It is the Sunnah to slaughter camels (by stabbing at the junction between the neck and the chest) while standing with their left foreleg tied, and to slaughter cows and sheep on their sides and then say, "Bismillah wa Allahu Akbar" (in the name of Allah and Allah is greater).[3]

"أَرْبَعٌ لَا تُجْزِئُ فِي الْأَضَاحِيِّ الْعَوْرَاءُ الْبَيِّنُ عَوَرُهَا وَالْمَرِيضَةُ الْبَيِّنُ مَرَضُهَا وَالْعَرْجَاءُ الْبَيِّنُ ظَلْعُهَا وَالْكَسِيرَةُ [العَجْفَاء] التي لَا تُنْقِي."

""Four will not suffice in al-Udhiyah: a one-eyed animal whose defect is obvious, a sick animal whose sickness is obvious, a lame animal which is obviously lame, and an emaciated animal that does not have any bone marrow or fat." (The Five; T & Hib: Auth.)

1 This is controversial, but it is safer to avoid them for they are still considered defective.
2 Naturally hornless.
3 Based on the following report:

[Who slaughters]

ولا يستحب أن يذبحها إلا مسلم،

It is not recommended for anyone but a Muslim to slaughter it.[1]

وإن ذبحها صاحبها فهو أفضل.

It would be better if the person making the sacrifice slaughters it himself.[1]

"عن أَنَسٍ قال ضَحَّى النبي صلى الله عليه وسلم بِكَبْشَيْنِ أَمْلَحَيْنِ أَقْرَنَيْنِ ذَبَحَهُمَا بيده وَسَمَّى وَكَبَّرَ وَوَضَعَ رِجْلَهُ على صِفَاحِهِمَا."

Anas reported that the Prophet ﷺ sacrificed two horned, *amlah* (white with black spots or completely white) rams. He slaughtered them with his hand, and said: "Bismillah" and "Allahu Akbar" and put his foot on their sides (or the sides of their necks). (Ag) and Abu Dawood reported that they were castrated. In addition, there are reports (Ma, Ba) that they were fat.

In this hadeeth is an indication that it is recommended to:

- Choose the best animals for sacrifice
- Slaughter them yourself
- Lay the animal down on its side (M) and it is agreed upon that it should be the left side.
- Put your foot on its right side, to keep it down, and slaughter with your right hand, while holding the head with your left hand.

As for camels, (D) reported from Jabir that the Prophet ﷺ and his companions slaughtered them by stabbing while the animal was standing with its left foreleg tied.

The slaughtering should be in the most merciful way to the animal, for the Prophet ﷺ said:

"إِنَّ اللهَ كَتَبَ الْإِحْسَانَ على كل شَيْءٍ فإذا قَتَلْتُمْ فَأَحْسِنُوا الْقِتْلَةَ وإذا ذَبَحْتُمْ فَأَحْسِنُوا الذَّبْحَ وَلْيُحِدَّ أحدكم شَفْرَتَهُ و لْيُرِحْ ذَبِيحَتَهُ."

"Allah prescribed perfection and kindness for all matters, so when you kill do it in a good way and when you slaughter, do it in a good way; let one of you sharpen his blade and make his animal comfortable." (M).

1 Some scholars went as far as preventing it, because it is a devotional act. However, it is likely, as indicated here, suboptimal, for it is permissible to eat from the meat of the People of the Book.

[When to slaughter]

ووقت الذبح يوم العيد بعد صلاة العيد إلى آخر يومين من أيام التشريق،

The time of slaughtering is on the day of ‘Eid after the prayer of ‘Eid[2] and until the end of the second day of at-tashreeq[3].

وتتعين الأضحية بقوله هذه أضحية، والهدي بقوله هذا هـدي و شـعاره وتقليـده مـع النية،

The particular animal becomes a sacrificial animal[4] from the time he says, ‘this is Udhiyah (sacrifice animal)’. And for the hady, by saying, ‘this is hady’ and by declaring and marking[5] it as hady with that intention.

ولا يعطى الجزار بأجرته شيئاً منها،

The butcher should not be given any part of the meat [6] for his payment[1].

---

1 For the Prophet ﷺ used to do that (see above), but he may let someone else slaughter on his behalf for the Prophet ﷺ slaughtered sixty-three camels and let ‘Ali slaughter the rest as in the long hadeeth of Jabir:

2 For the Prophet ﷺ said:

"من كان ذَبَحَ أُضْحِيَّتَهُ قبل أَنْ يُصَلِّيَ أو نُصَلِّيَ فَلْيَذْبَحْ مَكَانَهَا أُخْرَى وَمَنْ كان لم يَذْبَحْ فَلْيَذْبَحْ بِاسْمِ اللهِ."

“Whoever slaughtered his udhiyah before the prayer, let him slaughter another one in its stead, and whoever did not slaughter yet, let him slaughter in Allah’s name.” (Ag).

3 Concerning the end of the time, there is another position in (A) that it is the end of the third day of at-Tashreeq.

The second position is strong as all the days of at-Tashreeq are festive as indicated by the Prophet ﷺ.

4 So, he may not sell it or give it away; also, if it becomes defective without negligence on his part, he does not need to replace it.

5 “Ish’aar” is done by stabbing the hump and “taqleed” is putting a necklace around the neck.

6 For ‘Ali said:

[How to divide the sacrifice]

والسنة أن يأكل ثلث أضحيته، ويهدي ثلثها، ويتصدق بثلثها، وإن أكل أكثر جاز.

The Sunnah is to eat one third of his sacrifice, give away one third and give one third in charity and if he ate more, it is permissible.[2]

وله أن ينتفع بجلدها، ولا يبيعه ولا شيئاً منها،

He may benefit from its hide but may not sell it or sell any part of it.[3]

فأما الهدي إن كان تطوعاً استحب له الأكل منه، لأن النبي صلى الله عليه وسلم أمر من كل جزور ببضعة فطبخت، فأكل من لحمها، وحسا من مرقها،

" أَمَرَنِي رسول اللهَّ صلى الله عليه وسلم أَنْ أَقُومَ على بُدْنِهِ وَأَنْ أَتَصَدَّقَ بِلَحْمِهَا وَجُلُودِهَا وَأَجِلَّتِهَا وَأَنْ لَا أعطى الْجَزَّارَ منها قال نَحْنُ نُعْطِيهِ من عِنْدِنَا. "

> "The Messenger of Allah ﷺ commanded me to be in charge of his sacrificial camels and to donate the meat, hides and saddle clothes and not to give the butcher any part of it and he said, we will give it ourselves." (Ag)

1 So he may be given something from it if it was not part of his payment.

2 For Almighty Allah says:

" وَالْبُدْنَ جَعَلْنَاهَا لَكُم مِّن شَعَائِرِ اللهَّ لَكُمْ فِيهَا خَيْرٌ فَاذْكُرُوا اسْمَ اللهَّ عَلَيْهَا صَوَافَّ فَإِذَا وَجَبَتْ جُنُوبُهَا فَكُلُوا مِنْهَا وَأَطْعِمُوا الْقَانِعَ وَالْمُعْتَرَّ. "

> "And the Budn (cows, oxen, or camels) We have made for you as among the Symbols of Allah, therein you have much good. So mention the Name of Allah over them when they are drawn up in lines (for sacrifice). Then, when they are down on their sides (after slaughter), eat thereof, and feed the poor who does not ask (men), and the beggar." (al-Hajj 22:36)

It would be permissible, but not preferable, to eat most of it. Nevertheless, it would not be allowable to eat all of it without giving away some part of it in charity.

3 For it is slaughtered for Allah, not for sale. In addition, if he should not even give the butcher part of it for his payment, so he must not sell any part of it.

If the hady was voluntary, it is recommended that he eat from it, for the Prophet ﷺ commanded that a piece of each camel [he sacrificed] be cooked and he ate from the meat and drank from its soup[1].

ولا يأكل من واجب إلا من هدي المتعة والقران.

He should not eat from a mandatory offering except for the offering of the tamattu' and al-qiraan.[2]

قال النبي صلى الله عليه وسلم: "من أراد أن يضحي فدخل العشر فلا يأخذ من شـعره ولا من بشرته شيئاً حتى يضحي."

The Prophet ﷺ said, "Whoever wants to sacrifice should not trim his hair or nails from the beginning of the ten (the first ten days of Dhul-Hijjah) until he sacrifices."[3]

---

1 As in the long hadeeth of Jabir.
2 For 'Aishah reported:

"دُخِلَ عَلَيْنَا يوم النَّحْرِ بِلَحْمِ بَقَرٍ فقلت ما هذا فَقِيلَ ذَبَحَ رسول اللهَّ صلى الله عليه وسلم عن أَزْوَاجِهِ"

"Some beef was brought to us on the day of sacrifice, so I said: "What is that?" And it was said that the Messenger of Allah ﷺ slaughtered cows for his wives."(Ag)

And that was for their tamattu' and qiraan.

The other types of hady (offering of animals) that is wajib include;

1) vows,
2) expiation for leaving out mandatory actions or committing some of the prohibitions during ihraam,
3) missing the Hajj (fawaat)
4) and being prevented from proceeding with it (ihsaar).

3 (M). This pertains to those not performing hajj, they will do that to imitate some of what is done during hajj.

باب العقيقة

Chapter of 'Aqeeqah
(Sacrifice for a Newborn)

وهي سنة، عن الغلام شاتان متكافئتان وعن الجارية شاة،

It is Sunnah[1]; for the boy, two sheep or goats that are equal[2],--- and one for the girl.[3] ۞

تذبح يوم سابعه،

That should be slaughtered on the seventh day from birth.[4] ۞

---

1 That is because
📖 the Prophet ﷺ said:

"مع الْغُلَامِ عَقِيقَةٌ فَأَهْرِيقُوا عنه دَمًا وَأَمِيطُوا عنه الْأَذَى"

"With (the birth of) every boy, an 'aqeeqah is due; so shed blood for him, and remove the dirt from him." (B)

(H): Abrogated by Udhiyah, yet still permissible. (h): Recommended.

2 Equal in age, quality, and size.

3 That is based on
📖 the following report:

"عن عَائِشَةَ أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم أَمَرَهُمْ عن الْغُلَامِ شَاتَانِ مُكَافِئَتَانِ وَعَنْ الْجَارِيَةِ شَاةٌ"

'Aishah (may Allah be pleased with her) said that the Messenger of Allah ﷺ commanded them (to slaughter) two sheep which are equal for a boy and one sheep for a girl. (T: hassan saheeh)

4 That is because
📖 the Prophet ﷺ said:

"كُلُّ غُلَامٍ مُرْتَهَنٌ بِعَقِيقَتِهِ تُذْبَحُ عنه يوم السَّابِعِ وَيُحْلَقُ رَأْسُهُ وَيُسَمَّى"

"Every child is held (from interceding for his parents) until his 'aqeeqah is offered. It should be slaughtered on his behalf on the seventh day, and his hair should be shaved and be given a name." (The Five; T: Auth.)

ويحلق رأسه ويتصدق بوزنه ورقاً،

And his head should be shaved and charity should be given in silver that is equal in weight to his hair.[1]

فإن فات يوم سابعه ففي أربعة عشر، فإن فات ففي أحد وعشرين،

So, if the seventh day passes, then on the fourteenth, and if that passes, then on the twenty-first.[2]

وينزعها أعضاء ولا يكسر لها عظماً،

And he should detach its limbs from the joints and not break the bones.[3]

وحكمها حكم الأضحية فيما سوى ذلك.

It is like the Udhiyah concerning the rest of the rulings.[4] ❁

◷Doing it before or after would suffice. It is also the slaughtering that is recommended to be done on the seventh, so one may do that on the seventh and cook and serve the food on some other day, if it is more convenient.

◷The party is not the 'Aqeeqah, though, it is encouraged. The 'Aqeeqah would be fulfilled by sending money away for an agent to slaughter on one's behalf and distribute the meat.

1Based on the following report with controversial authenticity:

عن عَلِيِّ بن أبي طَالِبٍ قال "عَقَّ رسول اللهِّ – صلى الله عليه وسلم – عن الْحَسَنِ بِشَاةٍ وقال "يا فَاطِمَةُ احْلِقِي رَأْسَهُ وَتَصَدَّقِي بِزِنَةِ شَعْرِهِ فِضَّةً"."

'Ali ibn Abi Talib reported that the Messenger of Allah ﷺ made 'aqeeqah for al-Hassan with one sheep or goat and said to Fatimah, "O Fatimah, shave his head and give away in charity silver that is equal to the weight of his hair." (T, who de-authenticated it.) It is widely accepted by jurists, and al-Albani graded it as hassan (sound).

2 Based on a report from 'Aishah that is narrated by al-Hakim and others with controversial authenticity.

3 Based on a report from 'Aishah narrated by al-Hakim and others with controversial authenticity.

4' Aqeeqa's rulings are like those of udhiyah except

- It shares the same rulings with udhiyah concerning the age of the animal, its conditions, and the distribution of the meat.

It differs from the udhiyah in that a separate animal should be slaughtered for each newborn. For example, it would not be sufficient to slaughter a cow for seven females.